

HOMEOWNERS' STATEMENT

1849 Ontario Place NW
Washington DC 20012
Square 2584/ Lot 314
R-5-B Zoning

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We are seeking zoning relief/ a special exception to the zoning regulations as per 11 DCMR § 223, in order to construct an accessory garage at the rear of our lot. Our existing lot, located in an R-5-B zoning district, does not allow the construction of an accessory garage to meet the required minimum zoning standards.

We are seeking relief of the interpretation of the proposed accessory garage structure. The proposed structure is to be located at the rear of the lot. The proposed structure will be accessed from the public alley. The current conditions of the lot are that it is relatively level, with minimal grade change. The grade radically changes at the rear lot line. The rear of the lot currently has a retaining wall that drops down 7'-2", to meet the alley level. There currently is a fence at the retaining wall to prevent falling directly down to the alley. The height of the proposed accessory structure when measured from the finished grade of our property at the middle of the side of the proposed that faces our main building and from neighboring properties from both its sides will be 3'-1 1/2" above grade. For these reasons we perceive that the proposed accessory structure is below grade and therefore should not be subject to zoning requirements described in the following paragraphs.

We are seeking relief for Lot Occupancy as specified in § 403.2. The current main building covers 51.6 % of the lot area, which is within the prescribed maximum allowable of 60%. The proposed accessory garage, if counted toward the lot occupancy will increase the lot coverage to 67.8%. Though this is more than the prescribed 60% coverage, the proposed coverage does meet the requirements of § 2300. The lot coverage will remain less than 70%. We are asking for this relief or that the proposed accessory structure be interpreted as below grade, therefore making this relief unnecessary.

We are also seeking relief of the 50% rear yard coverage rule, as defined in

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18388
EXHIBIT NO. 5

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§ 199. The garage will cover 90 % of the rear yard. However, since LESS than 4' of the proposed structure will be located ABOVE the grade at any point we believe relief for this structure should be provided. Per § 2503.2, a structure may occupy any yard required under the provisions of Title 11, if no part is more than four feet (4 ft.) above grade.

The proposed accessory garage meets the specific tests of Section 223.2 and would not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwellings or property. In particular:

1. The proposed will not unduly affect the light or air to any neighboring property.
2. The privacy of use and enjoyment of neighboring properties will not be unduly compromised.
3. The accessory garage will NOT be visible from Ontario Place, NW
4. The accessory garage when viewed from the alley will not substantially intrude upon the character, scale and pattern of the existing houses and accessory buildings that are currently located along the alley.

We are also seeking relief of the side yard setback at the main building. As this side yard appears to possibly be non-conforming. However, the garage as an accessory structure does not need to maintain the side yard setback that is required of the main building. Additionally, if the non-conforming side yard is required to be calculated in the Lot Occupancy percentage, we feel that we could still meet the requirements of § 223.3.

We do plan that this accessory structure will have a flat roof, which will allow us to utilize the roof area as our rear yard. A fence or railing, not to exceed the structural requirements of the IRC will be installed at the rear roof area, to prevent falling down to the alley. The fence or railing will not exceed height requirements. We plan to also install a 36" tall hand rail with pickets and posts at the roof of the accessory garage, which will be similar to the existing rail located at grade on each side yard property line. Both the garage and use of its roof as our rear

yard will allow our lot to blend with the existing urban pattern that already exists along this block of semi-detached /attached row houses.

The strict application of the R-5-B zoning regulations on our specific lot, for this accessory structure, result in an undue hardship to us. As a young family, parking is very important to us. As we settle here in the District of Columbia and raise a family, we believe that having a secured parking space is important for our safety. Due to the existing parking congestion in the immediate area it is often difficult to find on-street parking in close proximity to the house. Walking late at night alone or with our children seems to be an unnecessary risk to have to take. This garage will allow us to park our one car, off the street, enabling the retail corridor of Adam's Morgan to have an additional short term space for those who utilize those neighborhood businesses. And, though these businesses are part of what causes the congestion, we feel that with more available neighborhood parking, this neighborhood will continue to thrive. The new garage will also provide a place for secure storage and a secure location for our trash and recycling cans. The ability to store things within the garage will maintain an organized rear yard appearance and help to reduce trespassing and theft along the alley.

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