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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: *✓* Stephen Gyor, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: July 17, 2012

SUBJECT: BZA Case 18388 - request for special exception relief under § 223 to construct an accessory garage structure to the rear of an existing dwelling at 1849 Ontario Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

The applicant initially requested special exception relief pursuant to § 223 to construct an accessory garage structure at the rear of an existing dwelling. The applicant's request for relief included the following:

- § 403, maximum lot occupancy;
- § 404, rear yard setback; and
- § 405, side yard setback.

The Office of Planning (OP) conferred with the Department of Consumer and Regulatory Affairs (DCRA) concerning the necessity of zoning relief. OP concurs with DCRA's determination that the proposed garage should not be counted towards lot occupancy, in which case relief would be unnecessary. As measured according to 11 DCMR 2500.7, the height would be less than four feet (3.5 feet), so would not contribute to lot occupancy under § 403, rear yard setback requirements under § 404, or side yard setback requirements under § 405. However, should the applicant elect to proceed with this case, in the event that relief is necessary, OP recommends approval.

II. LOCATION AND SITE DESCRIPTION:

BOARD OF ZONING ADJUSTMENT
 District of Columbia

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|-----------------------|--|-----------------------|
| Address: | 1849 Ontario Place, NW | CASE NO. <u>18388</u> |
| Legal Description: | Square 2584, Lot 0314 | EXHIBIT NO. <u>25</u> |
| Ward: | 1 | |
| Lot Characteristics: | The rectangular lot has an area of 2,310 square feet. It is 21 feet wide along the Ontario Place frontage and along the rear abutting the 15-feet wide public alley. The lot is 110 feet deep. | |
| Zoning: | R-5-B | |
| Existing Development: | Semi-detached dwelling, permitted in this zone. | |
| Historic District: | None | |
| Adjacent Properties: | Predominantly semi-detached single family dwellings to the east and west, multi-family buildings are located to the rear of the property and across Ontario Place. | |

Board of Zoning Adjustment

District of Columbia

CASE NO. 18388

EXHIBIT NO. 25



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| | |
|-------------------------------------|---|
| Surrounding Neighborhood Character: | The neighborhood is predominantly semi-detached single family dwellings and multi-family buildings. |
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III. PROJECT DESCRIPTION IN BRIEF

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|----------------|---|
| Applicant | Kirk Freeman (Owner of Record) |
| Proposal: | The applicant proposes to construct an accessory garage structure to the rear of an existing semi-detached dwelling. The alley-grade accessory garage structure would be located predominantly below grade of the existing rear yard. The existing grade of the lot is elevated approximately 7'-2" from the existing public alley in the rear. The proposed garage structure would not exceed 15 ft. in height and would be 3'-1 1/2" in height when measured from finished grade to the highest point of the garage roof. |
| Relief Sought: | §223 - Additions to a One-Family Dwellings or Flats |

IV. ZONING REQUIREMENTS

| R-4 Zone | Regulation | Existing | Proposed ¹ | Relief: |
|-------------------------|------------------------------------|--------------|-----------------------|----------------------------|
| Height (ft.) § 400 | 50 ft. max. | 45 ft. | 45 ft. | None required |
| Lot Width (ft.) § 401 | NA | 21 ft. | 21 ft. | None required |
| Lot Area (sq.ft.) § 401 | NA | 2,310 sq ft. | 2,310 sq.ft. | None required |
| Lot Occupancy § 403 | 60% max., 70% by special exception | 51.6%. | 51.6% | None required ² |
| Rear Yard (ft.) § 404 | 15 ft. min. | 27.6 ft. | 27.6 ft. | None required ³ |
| Side Yard (ft.) § 405 | 8 ft. min. | 4-5 ft. | 4-5 ft. | None required |

V. OP ANALYSIS:

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.*

Semi-detached dwellings are a permitted use in this zone. The Applicant initially requested special exception relief under § 223 from the requirements of § 403 Lot Occupancy, § 404 Rear Yard, and § 405 Side Yard; however, DC and DCRA agree that such relief is unnecessary. However, OP analysis is provided in case the applicant elects to proceed forward with this BZA case.

¹ Information provided by applicant.

² OP was unable to verify this lot occupancy number. If the garage is counted towards lot occupancy, the applicant states that lot occupancy for the site would be less than the 70% permitted by special exception.

³ If the garage is counted towards rear yard setback, a setback of approximately 4 feet would be provided, requiring relief.

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 light and air available to neighboring properties would not be unduly affected. The alley-grade accessory garage structure would be located predominantly below grade of the existing rear yard. The garage would only be 3.5 feet above grade as measured from the middle of the side of the structure.



Figure 1: Map – Subject Property Identified

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

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. The garage would be located predominantly below grade of the existing rear yard and would align with the garages of the neighboring properties.

(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; and*

The proposed garage addition would be minimally visible from Ontario Place and would be in character with the existing streetscape. The garage would be visible from the rear alley but would be in keeping with the character of neighboring properties. It would be slightly set back from the rear lot line, improving maneuverability.

(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 applicant submitted plans, photographs and elevation drawings to represent the relationship of the proposed addition to adjacent buildings and from public ways.

- 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.*

As stated previously, DCRA has determined that the proposed structure would not contribute to lot occupancy. According to the applicant, if the structure did count toward lot occupancy, the site would have a lot occupancy of less than 70%.

- 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.*

The Office of Planning makes no recommendations for special treatment.

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

The existing use is permitted; no additional non-conforming use is proposed.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from the neighbors or ANC.