

Justification for special exception and variance for the proposed garage at 937 S St, NW

The lot occupancy of the property at 937 S St, NW, is currently 47.3%. The proposed garage would increase the lot occupancy to 69.9%, above the 60% threshold above which a special exception is required, but below the 70% threshold for which a variance would be required. The depth of the proposed garage was reduced so that the covered space under the project would fall below the 70% threshold. The proposed deck over the existing rear second story addition does not impact the lot occupancy or other issues related to zoning. The proposed deck will have an interior entrance.

Additionally, it is proposed that the garage be placed at the rear property line of the property, within the 12 foot setback from the centerline of the alley. The proposed positioning of the garage at the rear property line has the placement at 4.5 feet under the 12 foot setback (i.e., 7.5 feet from the centerline of the alley).

Special exception from the 60% occupancy requirement

The burden of proof for a special exception from the lot occupancy requirement stipulates that the proposed use be consistent with the general intent and purpose of the Zoning Regulations not adversely affecting the public good.

- The R-4 zone permits a private garage. Also, there is a historical pattern of garages within the square and, in particular, on the alley behind the applicant's property, as demonstrated by the aerial photo of the square/neighborhood (Exhibit 1). The garage also provides the benefit to the neighbors with properties adjacent to the alley of screening the existing parking space.
- The proposed project has been reviewed with the owners of the adjoining properties and has the support from these neighbors (a letter of support is forthcoming).

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Variance for setback requirement from the centerline of the alley

The burden of proof for the variance for the setback from the centerline of the alley requires that the adherence to the Zoning Regulations will result in exceptional practical difficulties or exceptional and undue hardship and that granting relief would not cause substantial detriment to the public good and not be inconsistent with the general intent and purpose of the Zoning Regulations.

- Practical difficulty/undue hardship

The proposed garage design is consistent with the general pattern of development of garages and the fence line in the Square and the alley. Currently, the garages and fence line typically runs along the property line as shown in the photos of the alley (Exhibit x). This was also the predominant historical pattern as shown in the aerial photo of the neighborhood from 1949 (Exhibit x). Locating the front of the garage on the rear property

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line would provide for the continuity of the streetscape on the alley, which is also consistent with the historic aesthetic

A strict application of the Zoning Code would create the condition where the face of the garage would be set back from the fence line/garage line. This would create the practical difficulty of a niche in the alleyway, which would fill with trash and refuse creating an unnecessary maintenance issue as well as have a negative aesthetic impact on the alley. The recess would also cause an unnecessary and unsafe blind spot for cars using the garage and the alley, as well as a safety issue for the alley generally due to potential loitering in this location. Finally, maintenance of the area between the garage and the alley would be unnecessarily complicated.

- Not be of substantial detriment to the public good

The proposed project has been reviewed with the owners of the adjoining properties and a letter of support from these neighbors is included (Exhibit x). We have also presented the project to the ANC and have received their unanimous approval and support of the project.

- General intent and purposes of the Zoning Regulations

The R-4 zone permits a private garage.

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