



2013 FEB 26 PM 3: 35

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
Joel Lawson, Associate Director Development Review  
**DATE:** February 14, 2013

**BOARD OF ZONING ADJUSTMENT**  
District of Columbia  
CASE NO. 18510  
EXHIBIT NO. 26

**SUBJECT:** BZA Case 18510 - request for special exception relief under § 223 to construct a detached garage at 721 10<sup>th</sup> Street NE

**I. OFFICE OF PLANNING RECOMMENDATION**

With regards to this proposal to construct a detached accessory garage in the rear yard, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223.

- § 403.2, lot occupancy (60% permitted by right, 70% by special exception; 70% proposed)

**II. LOCATION AND SITE DESCRIPTION:**

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address                            | 721 10 <sup>th</sup> Street NE                                                                                                                                                                                                                                                                                                                                                                                     |
| Legal Description                  | Square 959, Lot 806                                                                                                                                                                                                                                                                                                                                                                                                |
| Ward                               | 6A                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Lot Characteristics                | The subject lot (property) is rectangular in shape and measures 20 feet in width by 100.88 feet in length. The property fronts 10 <sup>th</sup> Street NE to the west, a 15-foot wide public alley to the south, a 30-foot wide public alley to the east, and the adjoining property at 723 10 <sup>th</sup> Street NE to the north. There is an existing non-conforming open court along the south property line. |
| Zoning                             | R-4 – detached, attached, semi-detached, single family dwellings and flats                                                                                                                                                                                                                                                                                                                                         |
| Existing Development               | Semi-detached row dwelling, which is permitted in this zone                                                                                                                                                                                                                                                                                                                                                        |
| Adjacent Properties                | Attached row dwellings to the north, 15-foot public alley to the south, and 30-foot public alley to the east.                                                                                                                                                                                                                                                                                                      |
| Surrounding Neighborhood Character | Mix of attached and semi-detached row dwellings. The property is located less than one block from the H Street NE commercial corridor.                                                                                                                                                                                                                                                                             |

**III. PROJECT DESCRIPTION IN BRIEF**

|           |                                             |
|-----------|---------------------------------------------|
| Applicant | Robert and Melissa Johnson, property owners |
|-----------|---------------------------------------------|



|               |                                                                                                                                                                                                                                                                        |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposal      | The applicant proposes to construct a 20-foot wide by 22-foot long detached accessory garage, accessible from a 30-foot improved alley. The proposed garage would measure approximately 13.7 feet in height and would be flush with the north and south property lines |
| Relief Sought | Special exception pursuant to 11 DCMR §§ 3104 1, under § 223, for lot occupancy (§ 403 2) to allow the construction of an accessory detached garage serving a one-family row dwelling in the R-4 zone                                                                  |

#### IV. ZONING REQUIREMENTS

| R-4 Zone                                                  | Regulation                               | Existing    | Proposed <sup>1</sup> | Relief:       |
|-----------------------------------------------------------|------------------------------------------|-------------|-----------------------|---------------|
| Height (ft.) § 400                                        | 40 ft max<br>3 stories                   | 28 ft.      | No change             | None required |
| Lot Width (ft.) § 401                                     | 18 ft min                                | 20 ft.      | No change             | None required |
| Lot Area (sq ft) § 401                                    | 1,800 sq ft min                          | 2,017 sq ft | No change             | None required |
| Lot Occupancy § 403                                       | 60% max , 70%<br>by special<br>exception | 48%         | 70%                   | 10%           |
| Rear Yard (ft.) § 404                                     | 20 ft min                                | 52.7 ft.    | No change             | None required |
| Side Yard (ft) § 405                                      | None required                            | N/A         | N/A                   | None required |
| Distance from<br>Centerline of Alley (ft )<br>§ 2300 2(b) | 12 ft                                    | N/A         | 17 ft                 | None required |
| Height Accessory<br>Structure (ft ) § 2500 4              | 15 ft max<br>1 story                     | N/A         | 13.7 ft.<br>1 story   | 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*

Private garages in accessory buildings are permitted in the R-4 zone. The applicant is requesting special exception relief under § 223 from the requirements of § 403 2 to construct a detached garage that does not conform to the lot occupancy requirements. The accessory garage, in addition to the

<sup>1</sup> Information provided by applicant

existing dwelling and non-conforming open court, would create a lot occupancy of 70%, which would exceed the permitted lot occupancy for a dwelling in the R-4 district (60%) but would comply with the 70% limitation under § 223 3

*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,*

Construction of a detached garage should not unduly affect the light and air available to neighboring properties. The applicant is proposing to construct a detached garage that is of a modest height, one story or approximately 14 feet tall. The applicant submitted shadow studies that show minimal impact on light and air for the property to the north. The applicant asserts that the property owner at 723 10<sup>th</sup> Street NE reviewed the shadow studies and does not have any concerns.<sup>2</sup>

Detached garages are found in the rear yards of a number of other properties in the square. The applicant states, and the Baist map shows, that the property historically featured a detached garage.<sup>3</sup>

*(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 applicant has met with and obtained letters of support from the adjoining property owners at 719 and 723 10<sup>th</sup> Street NE.<sup>4</sup>

*(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 would be visible from two improved alleys – at the south and east property lines. The applicant is proposing to retain the existing metal roll-up garage door. The garage will be clad in cementitious plank with a 5-inch exposure at the lower level and board and batten siding above 9 feet. The proposed garage, as designed, should not substantially visually intrude upon the character, scale and pattern of the alleys upon which the garage will front. The alleys are characterized by a variety of fencing types (chain link, board-on-board, and stockade), roll-up gates, and garages.

*(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 has provided photos, elevation drawings, a shadow study, and a site plan showing the relationship of the proposed garage to adjacent buildings and views from public ways.

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<sup>2</sup> See page 2 of the applicant's December 5, 2012 submittal

<sup>3</sup> See page 10 of the applicant's December 5, 2012 submittal

<sup>4</sup> See page 6 of the applicant's December 5, 2012 submittal

*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 lot occupancy of 70% does not exceed the 70% maximum permitted within the R-4 zone

*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 under this proposal

## **VI. COMMUNITY COMMENTS**

The applicant provided letters of support from the adjoining property owners at 719 and 723 10<sup>th</sup> Street NE

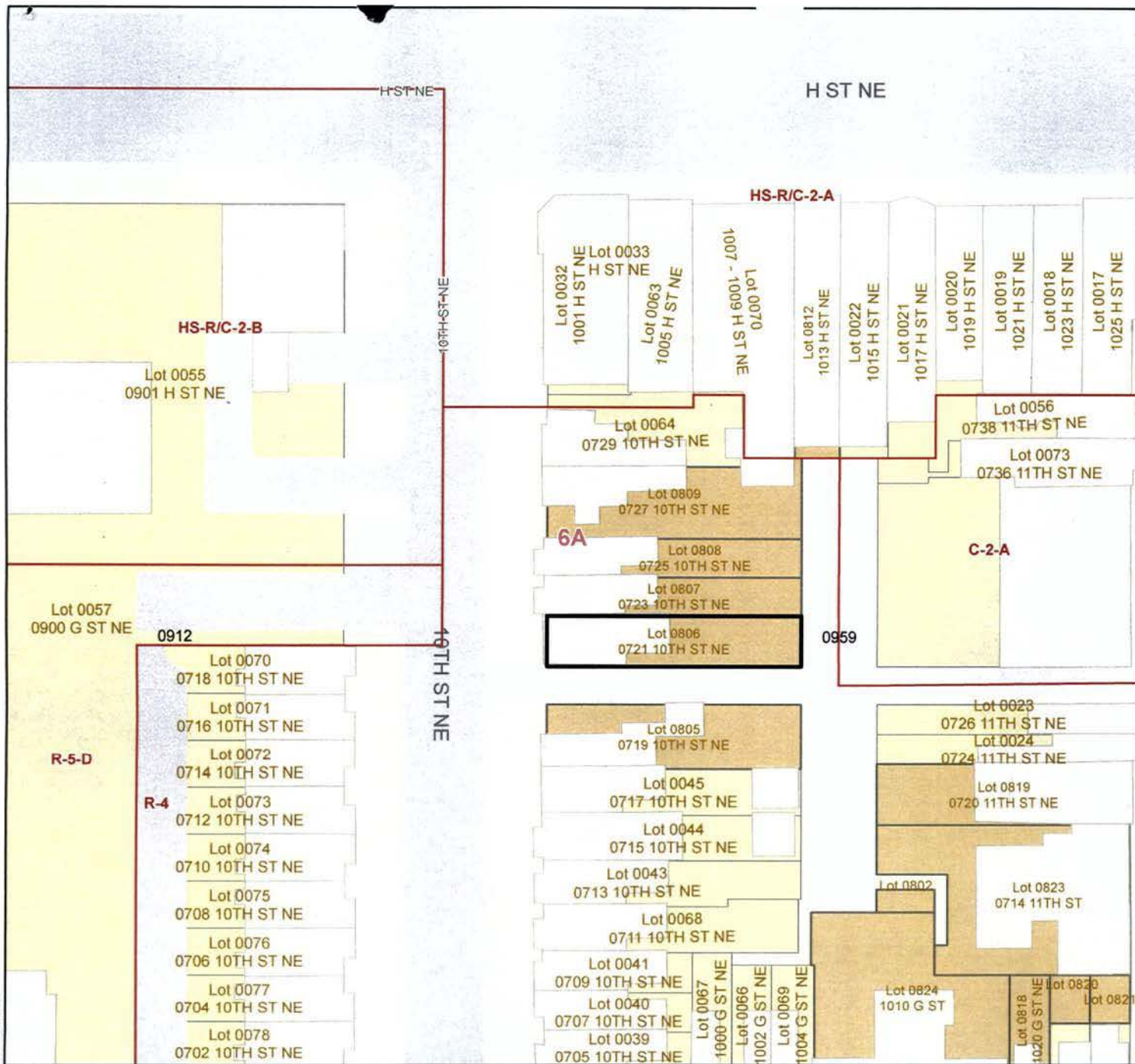
The applicant presented the proposed project to the ANC 6A Economic Development and Zoning Subcommittee in January 2013 and received unanimous support for the recommendation to place the item on the consent agenda for the February 14, 2013 full ANC meeting

## **VII. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments had not been received from other agencies at the time this report was written

### **Attachments**

- 1 Location map



## Development Review

- Zoning Districts
- Roads
- Street Centerlines
- Buildings
- Alleys and Parking
- 2002 ANCs
- Water
- Parks



Government of the District of Columbia  
Office of Planning ~ February 12, 2013

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.