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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: July 16, 2013

SUBJECT: BZA Case 18514 - request for special exception relief under § 223 and variance relief under § 2300 to construct a detached garage at 1120 Park Street NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variances pursuant to § 3103.2:

- § 2115.1 Minimum Parking Space Size (9 ft. x 19 ft. required, 8.33. x 14.33 ft. proposed); and
- § 2300 Setback from Center of Alley (12 ft. required, 8.5 ft. proposed).

OP recommends **approval** of the following special exception pursuant to § 223:¹

- § 403.2 Lot Occupancy (53.4% existing, 70% permitted by special exception, 70% proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1120 Park Street NE	BOARD OF ZONING ADJUSTMENT District of Columbia
Legal Description	Square 987, Lot 8	CASE NO. <u>18514</u>
Ward	6	EXHIBIT NO. <u>30</u>
Lot Characteristics	The subject lot (property) is rectangular in shape and measures 13.55' in width and 100' in length. The property fronts Park Street NE to the south and a 15' wide public alley is located to the rear of the Property.	
Zoning	R-4 – detached, attached, semi-detached, single family dwellings and flats.	
Existing Development	Attached row dwelling, permitted in this zone.	
Historic District	Capitol Hill Historic District	
Adjacent Properties	Neighboring properties include two-story attached row dwellings.	

¹ OP notes that special exception relief from § 404.1 Rear Yard may also be required (34 ft. existing, 20 ft. min. required, 18.2 ft. proposed). Rear yard relief was not included in the letter from the Zoning Administrator or requested by the Applicant.



Surrounding Neighborhood Character	The area is primarily comprised of low-density residential dwellings.
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III. APPLICATION IN BRIEF

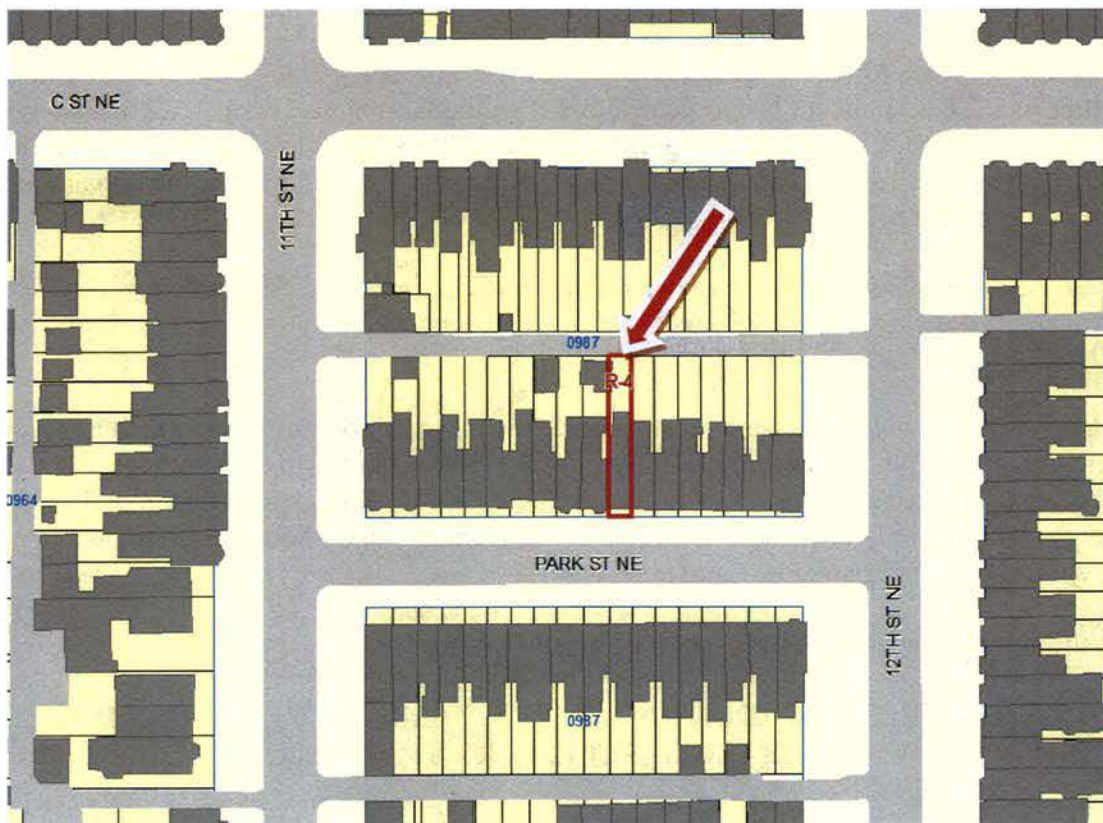
The Applicant proposes to construct a 13.6 ft. wide by 15.3 ft. long detached accessory garage, accessible from the 15-foot public alley. The proposed garage would measure approximately 13 ft. in height (including a rooftop deck) and would be flush with the east property line. The structure would be set back approximately 1.5 ft. from the west property line due to the presence of the neighbor's existing garage, which encroaches onto the Subject Property. The proposed garage would total 208 square ft., and would include a deck on the roof. A letter from the Zoning Administrator states that the proposed structure would require variance relief for the size of the parking space and setback distance requirements, as well as a special exception for lot occupancy (the Applicant revised the initial proposal to reduce the proposed lot occupancy to 70%). In addition, Historic Preservation Review Board (HPRB) review is also required.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	15 ft. max. (for an accessory building)	NA	13 ft.	None required
Lot Width § 401	18 ft. min.	13.55 ft.	NA	None required
Lot Area § 401	1,800 sf. min.	1,355 sf.	1,355 sf.	None required
Floor Area Ratio § 402	NA	NA	NA	None required
Lot Occupancy § 403	60% max.	53.4%	70%	Relief required
Rear Yard § 404	20 ft. min.	34 ft.	18.2 ft.	None requested
Side Yard § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required
Parking Space Dimensions § 2115.1	9 ft. x 19 ft. min.	NA	8.33. x 14.33 ft.	Relief required
Garage setback § 2300	12 ft.	NA	8.5 ft.	Relief required



Subject Property



Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2115.1 Parking Space Dimensions and § 2300 Garage Setback

The Applicant is requesting relief from the requirements of § 2300 2(b) to permit construction of a detached garage that would not conform to the required parking space size (9 x 19 ft required and 8 33 x 14.33 ft. proposed), and the required setback from the centerline of the alley (12 feet required, 8 5 feet proposed)

1. *Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?*

The Subject Property is located along a 15-ft wide public alley and the south side of the alley is characterized by buildings and fences located at the property line. The Applicant's proposal would maintain the existing condition along the alley. The Subject Property is exceptionally narrow (13 55 ft), making adherence to the required parking space dimensions (9 x 19 ft) difficult. In addition, the neighbor's garage encroaches on the Subject Property.

2. *Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?*

The applicant proposes to locate the garage 1 ft. from the property line – set back 8.5 feet from the alley centerline. The Applicant has indicated that it would be practically difficult to strictly comply with the required setback. Locating the garage an additional 3 5 feet from the alley centerline could result in maintenance, safety, and sightline issues by creating a niche between the garage and the applicant's rear property line.

3. *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 a variance would not cause substantial detriment to the public good. OP staff is not aware of any neighbor or ANC opposition to the proposal. The proposed 8.5 ft setback from the alley centerline would be consistent with other nearby accessory buildings and fencing. Further, relief could be granted without substantial detriment to the Zoning Regulations and Map, as the proposed location should not hinder any alley movement.

b. Special Exception Relief pursuant to § 403.2

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 existing dwelling, 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 13 ft tall. Detached garages are found in the rear yards of a number of other properties on the block.

(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 proposed garage would not feature windows on the east or west sides and would be flush against the adjoining property lines. Furthermore, the proposed garage would screen the Applicant's parking from view from the alley and the adjoining 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 detached accessory garage should not substantially visually intrude upon the character, scale and pattern of the alley upon which the garage will front. The alley is characterized by a variety of fencing types, roll-up gates, and garages. The proposed structure would match the depth of the adjacent garage. Historic Preservation staff expressed no concerns with the proposed design.

(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, and a site plan showing the relationship of the proposed addition to adjacent buildings and views 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

The proposed lot occupancy does not exceed the 70% maximum permitted under Section 223.

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

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