

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
WILLIAM LINDSAY AND
JENNIFER COLEMAN**

**5502 13TH STREET NW
ANC 4C**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of William Lindsay and Jennifer Coleman (the "Applicant"), the owners of property located at 5502 13th Street NW, Lot 75 in Square 2801 (the "Property") in support of the application for special exception review pursuant to 11 DCMR §223, for an increase in lot occupancy to 70% (§403) to allow a new private garage at the rear of an existing single-family home in the R-3 District

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the special exception relief requested herein pursuant to §3104.1 of the Zoning Regulations.

III. BACKGROUND

A. Background Information Regarding the Property

The Property, also known as Lot 75 in Square 2801, contains approximately 1,976 square feet of land area and is located in northwest Washington D.C. See Baist Atlas Map at **Tab 9**. The Property is located within the R-3 District. See Zoning Map at **Tab 10**. Based on the Baist Atlas Map, the Property had a private garage in the past and it is unknown when the prior garage was razed. The Applicant seeks to build a private garage at the rear of the Property similar to the garage that previously existed. The Property is presently improved with a single-family rowhouse. The Property is not located in a Historic District and is not listed on the D.C. Inventory of Historic Sites.

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EXHIBIT NO. 6 EXHIBIT NO. 6

B. Description of the Improvements in the Surrounding Area

Square 2801 is split zoned with an R-3 District occupying the majority of the Square and a C-2-A District occupying the westernmost edge along Colorado Avenue NW. Square 2801 is bounded by Colorado Avenue NW on the west, Longfellow Street on the north, 13th Street NW on the east, and Kennedy Street on the south. See **Tab 9**. The properties along Colorado Avenue NW are large, multistory apartments and mixed-use buildings. The properties on the remainder of the square are two-story attached dwellings. Directly abutting the Property to the north and south are attached dwellings. Directly abutting the Property to the west is a 15-foot public alley.

C. Description of the Proposed Development

As shown on the Architectural Plans and Elevations, see **Tab 11**, the Applicant proposes to construct a private garage in the rear yard of the Property. The garage will be 19'-9" wide, 16'-11" deep and 10 feet tall. The garage will be 334 square feet and will extend from property to property line. The garage will be 12 feet from the center line of the alley at the rear of the Property.

IV. REQUEST FOR EXPEDITED REVIEW

Relief under §223 expedited review is proper because Applicant seeks to construct a new private garage at the rear of a one-family dwelling. A new accessory structure is allowed on the same lot as a one-family dwelling. A private garage is an accessory structure to the one-family dwelling. There will be no introduction or expansion of a nonconforming use (§223.5). As demonstrated in this application, lot occupancy does not exceed 70% (§223.3) and the addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property (§223.2).

V. NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant seeks special exception relief pursuant to 11 DCMR §223. Under D.C. Code §6-641.07(g)(2) and 11 DCMR §3104.1, the Board is authorized to grant special exception relief where, in

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the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified.

VI. THE APPLICANT MEETS THE BURDEN OF PROOF FOR ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS

Section 223 provides relief based on satisfying specific criteria under which accessory structures to single-family dwellings may be permitted. Each of the criteria is addressed in turn below.

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.

The applicant requests special exception relief under §223 for an increase in lot occupancy to 70% (§403) to allow the construction of a private garage at the rear of a single-family home. The current lot occupancy at the Property is roughly 53%. The lot occupancy after construction of the proposed structure is 70%, permitted under §223.3 as a special exception. All other aspects of the proposed project are permitted as a matter of right.

223.2 The addition or accessory structure shall not have a substantially adverse effect 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 private garage would not adversely impact light or air available to adjacent properties. The lot at issue is long and narrow, as are the properties to the north and south. To the east, neighboring properties abut 13th Street providing ample light and air. The structure will be set back 4.5 feet from the rear property line and, in addition, is separated by 15-foot alley from the nearest lot on the west side of the alley. Based on the above, the addition will have no adverse impact on neighboring properties.

Moreover, the Property is among the minority on the 5500 block of 13th street and on Square 2801 that does not have a private garage.

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

The privacy of neighboring properties would not be unduly compromised. The proposed private garage will be modest in size. See Architectural Plans, at **Tab 11**. Moreover, the Property abuts a public alley to the west which helps prevent any impact on the privacy of neighboring property owners. Furthermore, the rear of the Property is surrounded by a six foot fence providing privacy. The garage exceeds the height of the fence by only 4 feet.

- (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 private garage will not visually intrude upon the character and pattern of the houses along 13th Street NW or the neighborhood. The garage is at the rear of the Property. Furthermore, in Square 2801, 7 out of the 15 lots along 13th Street, 12 out of 24 lots along Longfellow Street, and 10 out of 27 lots along Kennedy have private garages at the rear. At the time the 1965 Baist Atlas Map was published, 12 out of 15 lots on 13th Street; 23 out of 24 on Longfellow Street; and 20 out of 27 on Kennedy Street had private garages at the rear. We submit that the garage will contribute to the character of the neighborhood and maintain the pattern of the houses in the area. Furthermore, the 1965 Baist Atlas Map demonstrates that the Property has historically had a garage in the proposed location.

- (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.*

In addition to this Statement of the Applicant, the Applicant has provided the following

1. Plat showing the existing structure on the Property,
2. Baist Atlas Map;
3. Zoning Map,

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- 4 Architectural Plans and Elevations; and
- 5 Photographs of the Property

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*

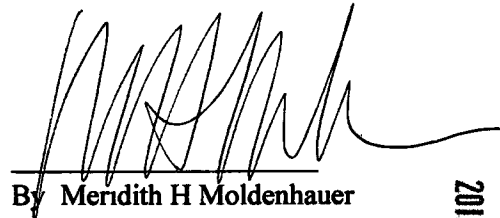
The lot occupancy will be 70% with the proposed private garage, permitted under §223.3 as a special exception

VII. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application

Respectfully submitted

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By Meredith H Moldenhauer

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