

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager

 Joel Lawson, Associate Director Development Review

DATE: June 17, 2014

SUBJECT: BZA Case 18783 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to allow construction of a replacement garage in the rear yard of an existing row dwelling located at 1809 Kenyon Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the special exception relief requested pursuant to § 223 from § 403 (a maximum lot occupancy of 60% is allowed for row dwellings and allowable accessory buildings, 67.6% is proposed).

II. LOCATION AND SITE DESCRIPTION:

Address:	1809 Kenyon Street NW
Legal Description:	Square 2599, Lot 0053
Ward:	1D
Lot Characteristics:	A rectangular, 2,100 square-foot (0.05 acre) interior lot with frontages along Kenyon Street NW on the southern (front) boundary and a public alley 20 feet wide along the northern (rear) boundary.
Zoning:	R-4 – row dwellings with detached accessory garages are allowed as a matter of right
Existing Development:	A 3-story row dwelling constructed in 1913 that is a permitted use in this zone (refer to Exhibit 1).
Historic District:	Mount Pleasant
Adjacent Properties:	Moderate density residential of the same scale.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Vitaliy Kurbatsky, owner of record
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Proposal:	To replace a 17 x 18-foot accessory garage in the rear yard that was demolished in September 2012 with a 12-foot tall, 20 x 20-foot garage that would generally occupy the same footprint.
Relief Sought:	§223 – for lot occupancy relief to allow the new, larger accessory garage

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief?
Lot Occupancy § 403	60% max.	51%.	67.6%	Yes

The previous garage set back 3-feet from the rear (southern) property boundary and 13-feet from the centerline of the adjacent 20-foot wide public alley. A 13-foot setback from the alley center exceeds the minimum 12-feet required under § 2300.2 (a) of the Zoning Regulations. The applicant indicated that the proposed garage would maintain that setback.

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.*

Row dwellings with accessory garages are a permitted uses in this zone. The applicant requested special exception under § 223 from the requirements of §403.2 for the existing dwelling and proposed replacement garage.

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 proposed accessory structure would be located in the rear yard, in-between fences along both side yard and the garage buildings beyond in the neighboring rear yards. Although slightly larger than the previous garage, the new garage would generally be the same as the previous structure.

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

Exterior garage windows would face toward the existing dwelling and rear yard and this proposal does not include a roof deck on the new structure.

The privacy of use and enjoyment of neighboring properties should therefore

¹ Information provided by applicant.

not be unduly compromised.

- (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 new garage would be 12-feet tall, of hardi-panel construction and painted white. This structure would not be visible from the street and would look similar to other accessory buildings bordering this alley. After its review, the State Historic Preservation Office signed off on the original permit plans in October 2012. Copies of these plans were submitted with this application. Based on this information, the proposed addition would not substantially intrude of the character and scale of this alley.

- (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.*

Submitted graphics were generally sufficient.

- 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 planned 67.6% lot occupancy is less than the maximum 70% allowed under this provision.

- 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 in this case.

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

Based on the submitted plans, approval of this proposal would not permit the introduction or expansion of a nonconforming use.

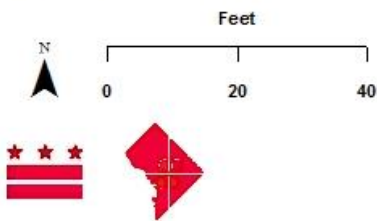
VI. COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 1D filed a Form 129 dated May 22, 2014 that recommended approval.

Attachment: Exhibit 1



OPT00024447



BZA Application No. 18783

Government of the District of Columbia
Office of Planning ~ May 29, 2014
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. Oblique imagery © Pictometry International

- Property Squares
- Zoning Districts
- Street Centerlines

