

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 30, 2014

SUBJECT: BZA Case 18885, 1401 Massachusetts Avenue SE - special exception and variances to allow the enlargement of an existing deck and accessory garage.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions pursuant to § 223:

- § 403.2 Lot Occupancy (70% existing, 60% permitted, 70% proposed);
- § 406.1 Closed Court (203 sf. existing, 350 sf. min. required, 102 sf. proposed); and

The Office of Planning recommends approval of the following variance:

- § 2300.2 Alley Setback (12 feet required, 11.8 feet proposed).

The Subject Property is also nonconforming to lot area and lot width. The Zoning Administrator has determined that this relief is not required for an addition on an existing lot.

II. LOCATION AND SITE DESCRIPTION

Address	1401 Massachusetts Avenue SE (the “Subject Property”)
Legal Description	Square 1059-S, Lot 0011
Ward	6
Applicant	Amanda Thomas (the “Applicant”)
Lot Characteristics	The lot is irregularly shaped, (measuring 12 feet wide at its narrowest point), and is 80 feet deep. The lot’s total area is 1,502 square feet.
Zoning	R-4 - Permits matter-of-right development of single-family residential uses (including detached, semi-detached, and row dwellings).
Existing Development	Two-story row dwelling, permitted in this zone.
Historic District	NA

Adjacent Properties	A 10' public alley borders the south edge of the property and Massachusetts Avenue SE, borders the north property line. The east lot line borders Lot 803 which has been improved with an apartment house. The west lot line borders Lot 9 and has been improved with a church which occupies nearly the entire site.
Surrounding Neighborhood Character	The surrounding neighborhood is comprised primarily of rowhouses.

III. APPLICATION IN BRIEF

Proposal:	The Applicant proposes to enlarge an existing deck and convert an existing carport into an accessory garage. The dimensions of the proposed garage addition are 12 feet wide x 22 feet deep (264 square feet). An existing stair from grade to the second floor would be removed, and a new deck measuring 7 feet x 12.5 feet would be added at the second floor. The proposed deck would be 9.2 feet above grade and would serve the second floor only.
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Subject Property



Subject Property

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	25 ft.	25 ft.	None required
Lot Width § 401	18 ft. min.	Varies	Varies	Existing nonconforming
Lot Area § 401	1,800 sf min.	1,502 sf.	1,502 sf.	Existing nonconforming
Floor Area Ratio § 402	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	70%	70%	Relief required
Rear Yard § 404	20 ft. min.	33.1 ft.	29 ft.	None required
Side Yard § 405	NA	NA	NA	None required
Open Court § 406	6 ft. min.	15 ft. x 16 ft.	15 ft. x 16 ft.	None required
Closed Court § 406	5 ft. min.	14.5 ft. x 14 ft.	14.5 ft. x 6.8 ft.	Relief required
Alley Setback § 2300.2	12 ft. min.	NA	11.8 ft.	Relief required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2300.2 Alley Setback

i. Exceptional Situation Resulting in a Practical Difficulty

The lot is exceptional in that it is irregularly shaped and is only 12 feet wide at its narrowest point, both limiting the potential location for a garage. The Applicant proposes to locate the garage 4.8 ft. from the property line (set back 9.8 feet from the

alley centerline). The Applicant has indicated that it would be practically difficult to strictly comply with the required setback as the lot already includes a roll-up garage door located along the alley. The Applicant intends to preserve the existing door and incorporate it into the new garage. Further, the north side of the alley is characterized by fences and buildings consistently set back about 6.8 feet from the alley edge, and the proposed garage would maintain this condition.

ii. No Substantial Detriment to the Public Good

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 9.8 foot setback from the alley centerline would be consistent with other nearby accessory buildings and fencing. Although the alley is only 10 feet wide, the modest relief requested (0.2 feet) should not impair traffic in the alley. Locating the garage further back from the alley would be unnecessarily burdensome to the project and could result in safety and sightline issues.

iii. No Substantial Harm to the Zoning Regulations

Relief could be granted without substantial detriment to the Zoning Regulations and Map, as the proposed location should not hinder any alley movement. There is no neighbor opposition to the proposal, and the accessory building's 11.8' setback from the alley centerline would be consistent with other nearby fencing.

b. Special Exception Relief pursuant to § 223 - § 403 (Lot Occupancy), § 406.1 (Closed Court)

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 and deck that do not conform to the lot occupancy requirements. The accessory garage and deck, in addition to the existing dwelling, would result in 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 and deck should not unduly affect the light and air available to neighboring properties. The Applicant is proposing to construct a detached garage that would be a modest height, one story or approximately 12 feet 6 inches tall, and which would be similar to the existing carport. The proposed deck would be located flush against the neighbor's brick party wall to the west. In addition, the deck's proposed location would provide a buffer area with the neighboring property to the east.

- (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. The proposed deck would be a restrained 9 feet 2 inches in height (not including the guardrail), and would only extend five feet into the rear yard. The dwelling to the west does not include windows on its party wall. In addition, an existing wood fence would help to maintain privacy with the property to the east.

- (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 and deck 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 and roll-up gates. Further, the deck and garage would not be visible from Massachusetts Avenue SE.

- (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 additions 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

At its regularly scheduled meeting on December 9, 2014, Advisory Neighborhood Commission 6B (ANC 6B) voted 9-0-0 in support of the Applicant's request.

Five immediate neighbors submitted letters to the record in support of the Applicant's proposal.