

## **Description of the Proposed Project and Applicant's Burden of Proof**

The Owners wish to demolish the current approximately 9'-6" extension into the rear yard. In its place, the Owners propose to construct a full-size one-car garage, open porch on the first floor and a master bedroom on the second floor. The two-story-plus-basement dwelling was constructed around 1920, well before adoption of the Zoning Regulations. The property has an existing 4-foot by 15-foot bay extension into Public Space. While it lies just outside the Capitol Hill Historic District, the property is a well-preserved period row dwelling.

### **A. The Property is Unusual Because of its Size, Shape or Topography and is Affected by an Exception Situation or Condition.**

#### **(1) Subdivision of Sq. 1059 created unusually small lots**

Lots 15 and 16, at the southeast corner of 14<sup>th</sup> and A Streets SE, were originally 25 feet wide and 90 feet deep, as shown on the 1903 Baist Atlas (below). Each lot was improved with a wood-frame dwelling that faced 14<sup>th</sup> Street SE

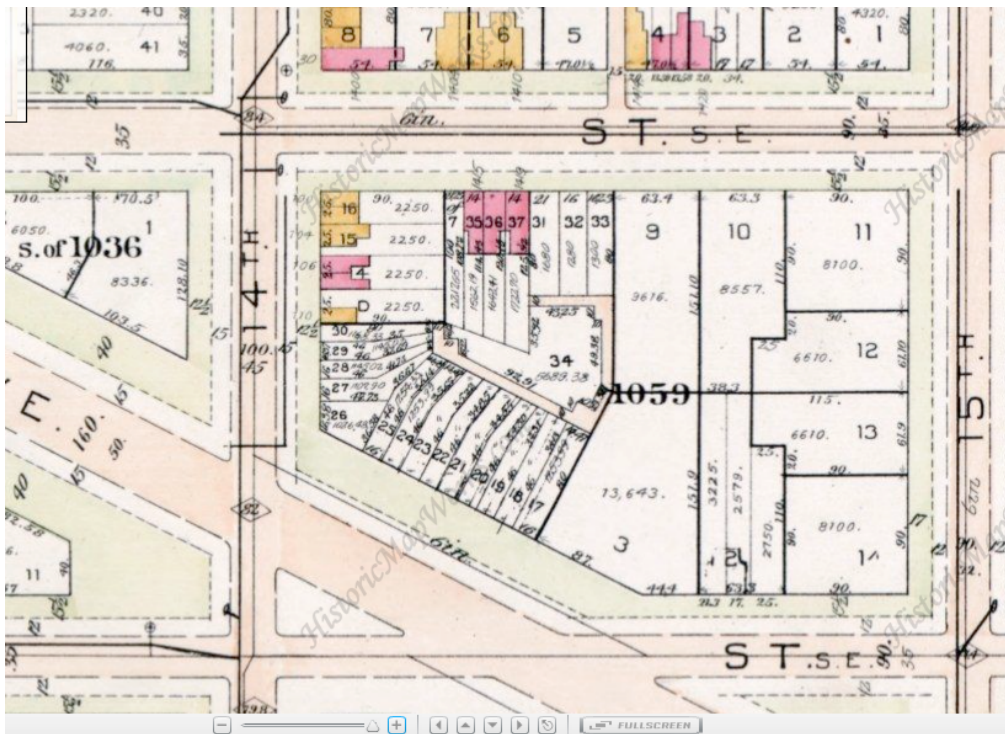


Fig. 1 -- 1903 Baist Real Estate Atlas

About a decade later, these two wood buildings were demolished and the two lots were subdivided into five 50' x 18' lots facing A Street. The current two-story brick dwellings were then constructed, as can be seen in the 1932 edition of the Baist Atlas.

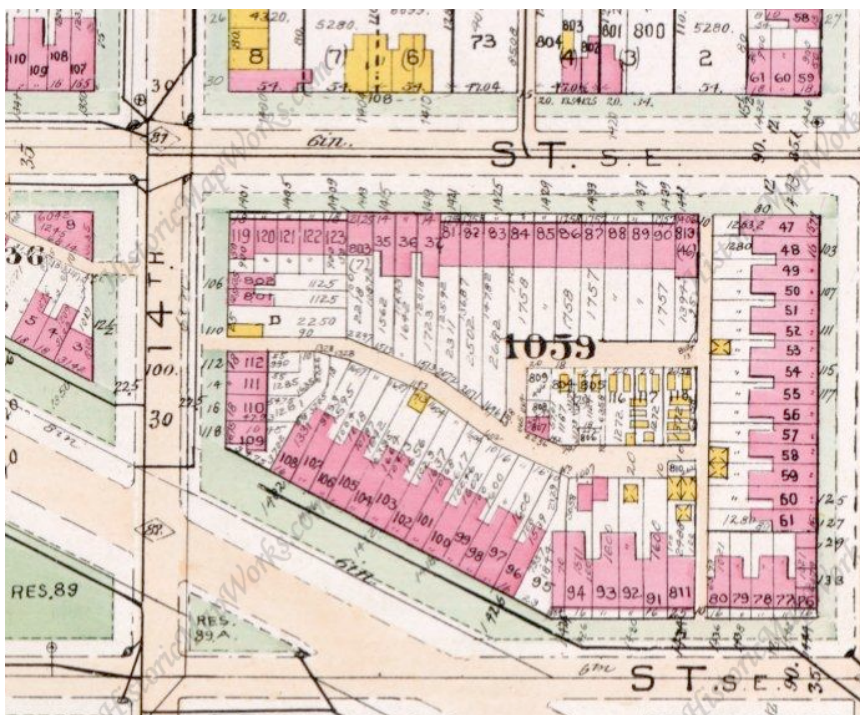


Fig. 2 --1932 Baist Real Estate Atlas

These lots (119-123) were platted well before the adoption of the DC Zoning Code and are 50% of the current standard for minimum size in the R-4 Zone. Even by historic standards, they are atypically small for Sq. 1059 and the neighborhood at large.

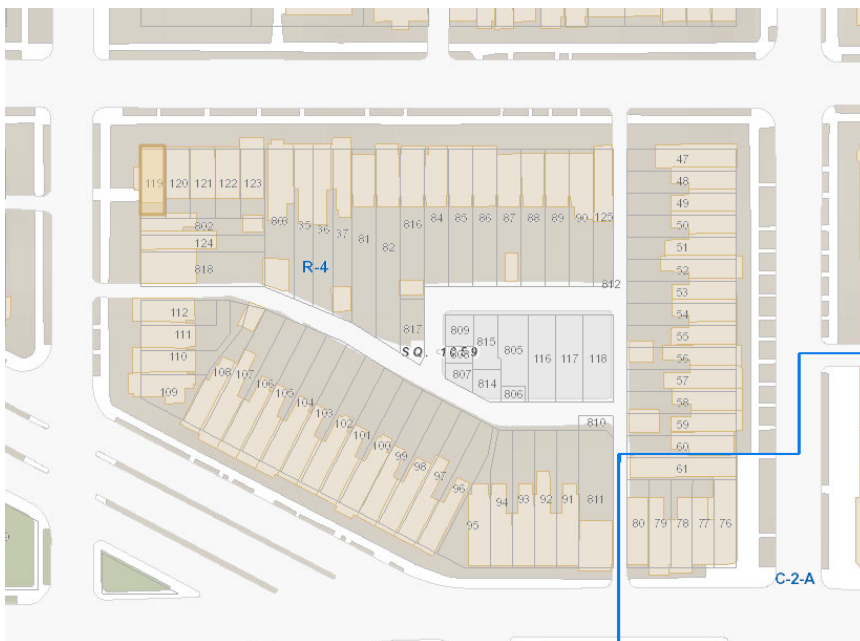


Fig. 3 -- Current Map of Sq. 1059 (DC Office of Zoning)

## **(2) Non-conforming single-family dwelling with an under-sized garage**

While the existing two-story-plus-basement dwelling is a common size for the neighborhood, it occupies 80.6% of the lot and currently has a 9.7'-deep rear yard due to the small lot size. In addition to these non-conformities, the existing garage has a width of 8'-4", too small for parking modern vehicles. In short, the property is unique, due to its corner position and the provision for a garage that is significantly undersized by modern standards.

### **B. Strict Application of Zoning Regulations Would Result in Practical Difficulty to the Owner.**

Variance relief is sought from lot occupancy, rear yard setback and the non-conforming structures provision. Strict application of these regulations presents several practical difficulties for the Owner.

The block and surrounding neighborhood is zoned for residential parking permits, evidence that on-street parking is in short supply. Accordingly, the Owners want to construct a garage of sufficient size that would allow them to park off-street. The existing garage is 8'-4" wide, severely dilapidated, and useful only for storage.

The Owners' automobile is a 2010 Toyota RAV-4.<sup>1</sup> The proposal would increase the interior width of the garage to 11'-4" to accommodate this vehicle and other modern vehicles of typical size. Although the garage and the upper floors could be renovated by-right on their current footprint, retaining the undersized garage represents a significant practical difficulty for the Owners.

The existing driveway, retaining walls and curb cut would remain, with the provision for a wider apron near the garage door. A garage located elsewhere at the basement level would be prohibitively expensive due to the sitework involved, and the need for additional DDOT Public Space approvals that are not automatically assured. The sacrifice of living space would be substantial. It would be also less pleasing architecturally, with the addition of a garage door.

There are several cases where BZA has determined that a shortage of on-street parking and/or an undersized garage (to the point of being usable by modern vehicles) and strict adherence to the Zoning Regulations presented a practical difficulty worthy of relief by variance.

- **12091** The lack of parking spaces in the neighborhood was found to present a practical difficulty and the "unusable" construction of the garage created a further practical difficulty.

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<sup>1</sup> The RAV-4 has a total width of 71.5 inches and total length of 181.9 inches. It is not possible to open the doors in a garage 100 inches wide.

- **15532** A garage too small for modern cars coupled with an unusual lot size merited a variance for a *de minimis* expansion of the garage and increase in lot occupancy.
- **16029** An existing garage too small for modern vehicles was deemed to represent an exceptional situation.
- **18169** The small size of garage was accepted as a valid basis for variance relief.

**C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Plan.**

Impacts on adjacent properties and the view from public ways would be minimal. There are no east-facing windows that would compromise the privacy of use of properties to the east. The building to the south has no windows on the property line, and it would be unaffected. The light and air available to the properties would not be unduly compromised. The view from the alley would be unaffected. Views from 14<sup>th</sup> Street SE would be of a slightly larger rear extension with the same historic fenestration patterns. The design is sensitive to the historic character of the residence and of the area.<sup>2</sup> The proposed seven-foot rear yard would be greater than the minimum required under the building code for openings facing a property line.<sup>3</sup>

**Summary**

The project would extend the upper floors—above the new, sufficiently-sized garage-- to provide architectural consistency and a modest increase in living space. In short, the proposal represents a *de minimis* increase in lot occupancy and reduction in rear yard for an already non-conforming structure.

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<sup>2</sup> The eastern boundary of the Capitol Hill Historic District lies in the center of 14<sup>th</sup> St. SE

<sup>3</sup> Setbacks of five feet or more from a property line allow for unrestricted openings. See International Residential Code Section R302 and DC Amendments.