

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 3, 2015

SUBJECT: BZA Case 18935, variances to allow the construction of a two-story garage in the R-4 District at premises 515 7th Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot support** the following:

- § 403.2 Lot Occupancy (60% permitted; 56.7% existing; 76.7% proposed); and
- § 2500.4 Height (15 feet max. permitted, 16 feet proposed).

Although OP is not strongly opposed to this proposed garage, the Applicant has not demonstrated that a nexus has been established between a unique circumstance associated with the property and a practical difficulty.

II. LOCATION AND SITE DESCRIPTION

Address	515 17 th Street SE
Legal Description	Square 853, Lot 877
Ward	6
Lot Characteristics	The lot is 24 feet wide and 110 feet deep. A 28 foot wide alley is located to the rear.
Zoning	R-4
Existing Development	Three-story row dwelling, permitted in this zone. The existing dwelling was constructed in 1852.
Historic District	Capitol Hill Historic District
Adjacent Properties	Neighboring properties primarily include rowhouses and alley dwellings.
Surrounding Neighborhood Character	The neighborhood is characterized by two and three story rowhouses. The alley to the rear includes several alley dwellings and alley-loaded detached garages.

III. APPLICATION IN BRIEF

Applicant:	Sonja Sweek (the “Applicant”)
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Proposal:	The Applicant proposes to construct a two-story garage. The structure would be 16 feet tall by 20.5 feet wide and 25 feet deep. The structure would have space for a single vehicle and would include space for storage on the first and mezzanine levels. The Applicant states that she had a permit in 2003 to build a detached garage, which has since expired. As of this writing, the current application has not been reviewed by the Historic Preservation Review Board (HPRB). The Applicant has indicated the intention to change the façade from bevel siding to brick in order to appear more consistent with neighboring properties.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	18 ft. min.	24 ft.	24 ft.	None required
Lot Area § 401	1,800 sf. min.	2,640 sf.	2,640 sf.	None required
Floor Area Ratio § 402	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	56.7%	76.7%	Relief required
Rear Yard § 404	20 ft. min.	47.6 ft.	47.6 ft.	None required
Side Yard § 405	NA	4.3 ft.	4.3 ft.	None required
Court § 406	NA	NA	NA	None required
Height § 2400	15 ft. max.	NA	16 ft.	Relief required





Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 403.2 (Lot Occupancy); 2500.4 (Height)

i. Exceptional Situation Resulting in a Practical Difficulty

According to the Applicant, the Subject Property's exceptional situation is 1) its status as a contributing structure to the Capitol Hill Historic District, which precludes any significant alteration of the structure, and 2) the Subject Property being one of the only properties in Square 853 to not include a non-conforming detached alley garage. However, these factors do not create a specific uniqueness of the Subject Property. A contributing pre-1958 three-story row dwelling is a common building type in the Square. Further, OP has no information on the dates or processes which permitted the existing neighboring accessory garages in the alley. In addition, the lot is rectangular and its dimensions are typical for the Square.

The Applicant notes that the Subject Property's side yard is 4.5 feet wide, and that if the side yard had not been included in the lot occupancy calculation the addition would be eligible for a special exception.¹ Nevertheless, when constructing a new accessory structure, the property must conform to the permitted lot occupancy for the zone.

¹ Per Section 405.8, if provided, a side yard of less than 5 ft. is included in a property's lot occupancy calculation.

In addition, although the proposed garage would exceed the permitted height by only one foot, the Applicant has not provided a justification based on an exceptional situation for this variance.

Therefore, there is no nexus with an exceptional situation on the Subject Property.

ii. No Substantial Detriment to the Public Good

The proposal would not appear to cause substantial detriment to the public good. OP staff is not aware of any neighbor or ANC opposition to the proposal. The proposed 14 foot setback from the alley centerline and height of the garage would be consistent with other nearby accessory buildings along the alley. Further, the garage's proposed location should not hinder any alley movement. According to the Applicant, the proposed garage would help to mitigate the Applicant's safety concerns in the alley. Finally, the requested height relief would not appear to be detrimental and should not unreasonably impose on neighbors' privacy or light and air.

iii. No Substantial Harm to the Zoning Regulations

Granting variance relief would impair the intent and integrity of the zone plan as no uniqueness of property exist which immediately relates to the practical difficulty for the Applicant. The proposed project would result in a level of development (76% lot occupancy) not anticipated in this zone. The lot occupancy limitations serve to maintain the character of a zone district by prescribing the development intensity of permitted principal and accessory buildings.

VI. COMMUNITY COMMENTS

At its regularly scheduled meeting on February 10, 2015, ANC 6B voted 7-1-2 in support of the Applicant's request.

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