

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 1, 2015
SUBJECT: BZA Case 19141, 4608 Sargent Road, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) cannot make a recommendation on the following requested relief:

- § 2300.8, Private Garages and Carports (carports required to be attached to the main structure, detached carport proposed)

The subject property is nonconforming for lot width, lot area, side yard and open court. Relief as requested was identified by DCRA. OP's review of the application indicates that variance relief also appears to be required for side yard, lot occupancy and § 2001.3, Nonconforming Structures, for the construction of the carport. Maximum permitted lot occupancy within the R-2 zone, in which the subject property is located, is 40 percent. The application proposes a lot occupancy of 54.2 percent, in excess of that permitted as a matter-of-right and in excess of the maximum 50 percent the Board may grant by special exception pursuant to § 223. In addition, pursuant to Section 405 a minimum side yard of 8 feet is required on one side of the carport, but not provided.

OP has attempted to resolve this issue with the applicant, DCRA and OZ. An analysis is only provided for the relief identified by DCRA and requested by the applicant.

II. LOCATION AND SITE DESCRIPTION

Address	4608 Sargent Road, N.E.
Legal Description	Square 3916, Lot 8
Ward	5A
Lot Characteristics	Rectangular lot with rear alley access
Zoning	R-2: detached and semi-detached single family dwellings
Existing Development	One-family row dwelling with a rear deck, permitted in this zone.
Adjacent Properties	Row and semi-detached dwellings
Surrounding Neighborhood Character	Low density residential

III. APPLICATION IN BRIEF

The applicant requests approval of a fifteen-foot wide detached carport in the rear yard of the middle unit of a one-family triple-attached structure, accessible via the public alley.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed	Relief
Height § 400	3-story max.	2-stories	2-stories	None required
Lot Width § 401	40-foot min.	17 feet	17 feet	None required ¹
Lot Area § 401	4,000 SF min.	1,955 SF	1,955 SF	None required ²
Lot Occupancy § 403	40% max.	39.2%	54.2%	Not requested
Rear Yard § 404	20-foot min.	>20 feet	>20 feet	None required
Side Yard § 405	8-foot min.	None	None	Not requested
Open Court § 406	6 feet	1.9 feet	1.9 feet	None required ³

V. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to § 2300.8, Private Garages and Carports

- i. *2300.8 A carport shall be attached to the main building and shall not be located along the side of the building that faces a building line except, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a carport may be located subject to the conditions for accessory open parking spaces in §§ 2116.5 through 2116.9.*

The proposal is subject to the provisions of §§ 2116.5 through 2116.9 because the carport would not be attached to the main building.

2116.5 Except as provided in § 2117.9, if approved by the Board of Zoning Adjustment pursuant to § 3104 for special exceptions, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, elsewhere, except in the case of a one-family dwelling, in accordance with §§ 2116.6 through 2116.9.

or

The proposed carport is for a one-family dwelling.

2116.6 The Board shall determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:

- (a) *Unusual topography, grades, shape, size, or dimensions of the lot;*

¹ Existing nonconformity

² Existing nonconformity

³ Existing nonconformity

- (b) *The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;*
- (c) *Traffic hazards caused by unusual street grades; or*
- (d) *The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.*

The carport would provide parking within a carport in the rear yard, and is therefore in accordance with § 2116.2.

2116.7 When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.

This section is not applicable as the carport would be located on the same lot as the dwelling it is intended to serve.

2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.

The carport, and the accessory parking spaces within it, would be located within the rear yard, furnishing reasonable and convenient parking for dwelling.

2116.9 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

OP makes no recommendations for conditions. However, the carport as proposed appears to require variance relief for side yard and lot occupancy.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal would allow for the applicant to provide protected off-street parking for the one-family residence at the rear of the property directly accessible from the public alley. However, it would also increase the lot occupancy of the subject property beyond that permitted within the R-2, either by right or by special exception, and relief from this provision has not been sought by the applicant.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No other comments from District agencies were received.

ANC 5A, at a special public meeting on December 18, 2014, voted to recommend approval of the application.

The map shows a grid of lots and streets. A yellow callout box labeled "SITE" points to a lot located between Allison St NE and Sargent Rd NE. The lot is situated between Lot 13 and Lot 12. The map includes the following lot numbers and addresses:

- LOT 800, 1200 VARNUM ST NE
- LOT 01, 4522 SARGENT RD NE
- LOT 57, 1301 ALLISON ST NE
- LOT 13, 4600 SARGENT RD NE
- LOT 12, 4600 SARGENT RD NE
- LOT 14, 4602 SARGENT RD NE
- LOT 15, 4604 SARGENT RD NE
- LOT 16, 4612 SARGENT RD NE
- LOT 17, 4614 SARGENT RD NE
- LOT 18, 4616 SARGENT RD NE
- LOT 19, 4618 SARGENT RD NE
- LOT 20, 4620 SARGENT RD NE
- LOT 21, 4622 SARGENT RD NE
- LOT 22, 4624 SARGENT RD NE
- LOT 23, 4626 SARGENT RD NE
- LOT 24, 4628 SARGENT RD NE
- LOT 25, 4630 SARGENT RD NE
- LOT 26, 4632 SARGENT RD NE
- LOT 27, 4634 SARGENT RD NE
- LOT 28, 4636 SARGENT RD NE
- LOT 29, 4638 SARGENT RD NE
- LOT 30, 4640 SARGENT RD NE
- LOT 31, 4642 SARGENT RD NE
- LOT 32, 4644 SARGENT RD NE
- LOT 33, 4646 SARGENT RD NE
- LOT 34, 4648 SARGENT RD NE
- LOT 35, 4650 SARGENT RD NE
- LOT 36, 4652 SARGENT RD NE
- LOT 37, 4654 SARGENT RD NE
- LOT 38, 4656 SARGENT RD NE
- LOT 39, 4658 SARGENT RD NE
- LOT 40, 4660 SARGENT RD NE
- LOT 41, 4662 SARGENT RD NE
- LOT 42, 4664 SARGENT RD NE
- LOT 43, 4666 SARGENT RD NE
- LOT 44, 4668 SARGENT RD NE
- LOT 45, 4670 SARGENT RD NE
- LOT 46, 4672 SARGENT RD NE
- LOT 47, 4674 SARGENT RD NE
- LOT 48, 4676 SARGENT RD NE
- LOT 49, 4678 SARGENT RD NE
- LOT 50, 4680 SARGENT RD NE
- LOT 51, 4682 SARGENT RD NE
- LOT 52, 4684 SARGENT RD NE
- LOT 53, 4686 SARGENT RD NE
- LOT 54, 4688 SARGENT RD NE
- LOT 55, 4690 SARGENT RD NE
- LOT 56, 4692 SARGENT RD NE
- LOT 57, 4694 SARGENT RD NE
- LOT 58, 4696 SARGENT RD NE
- LOT 59, 4698 SARGENT RD NE
- LOT 60, 4700 SARGENT RD NE
- LOT 61, 4702 SARGENT RD NE
- LOT 62, 4704 SARGENT RD NE
- LOT 63, 4706 SARGENT RD NE
- LOT 64, 4708 SARGENT RD NE
- LOT 65, 4710 SARGENT RD NE
- LOT 66, 4712 SARGENT RD NE
- LOT 67, 4714 SARGENT RD NE
- LOT 68, 4716 SARGENT RD NE
- LOT 69, 4718 SARGENT RD NE
- LOT 70, 4720 SARGENT RD NE
- LOT 71, 4722 SARGENT RD NE
- LOT 72, 4724 SARGENT RD NE
- LOT 73, 4726 SARGENT RD NE
- LOT 74, 4728 SARGENT RD NE
- LOT 75, 4730 SARGENT RD NE
- LOT 76, 4732 SARGENT RD NE
- LOT 77, 4734 SARGENT RD NE
- LOT 78, 4736 SARGENT RD NE
- LOT 79, 4738 SARGENT RD NE
- LOT 80, 4740 SARGENT RD NE
- LOT 81, 4742 SARGENT RD NE
- LOT 82, 4744 SARGENT RD NE
- LOT 83, 4746 SARGENT RD NE
- LOT 84, 4748 SARGENT RD NE
- LOT 85, 4750 SARGENT RD NE
- LOT 86, 4752 SARGENT RD NE
- LOT 87, 4754 SARGENT RD NE
- LOT 88, 4756 SARGENT RD NE
- LOT 89, 4758 SARGENT RD NE
- LOT 90, 4760 SARGENT RD NE
- LOT 91, 4762 SARGENT RD NE
- LOT 92, 4764 SARGENT RD NE
- LOT 93, 4766 SARGENT RD NE
- LOT 94, 4768 SARGENT RD NE
- LOT 95, 4770 SARGENT RD NE
- LOT 96, 4772 SARGENT RD NE
- LOT 97, 4774 SARGENT RD NE
- LOT 98, 4776 SARGENT RD NE
- LOT 99, 4778 SARGENT RD NE
- LOT 100, 4780 SARGENT RD NE

The map also shows the following street names:

- ALLISON ST NE
- SARGENT RD NE
- VARNUM ST NE
- CHURCH ST NE
- 1ST ST NE
- 2ND ST NE
- 3RD ST NE
- 4TH ST NE
- 5TH ST NE
- 6TH ST NE
- 7TH ST NE
- 8TH ST NE
- 9TH ST NE
- 10TH ST NE
- 11TH ST NE
- 12TH ST NE
- 13TH ST NE
- 14TH ST NE
- 15TH ST NE
- 16TH ST NE
- 17TH ST NE
- 18TH ST NE
- 19TH ST NE
- 20TH ST NE
- 21ST ST NE
- 22ND ST NE
- 23RD ST NE
- 24TH ST NE
- 25TH ST NE
- 26TH ST NE
- 27TH ST NE
- 28TH ST NE
- 29TH ST NE
- 30TH ST NE
- 31ST ST NE
- 32ND ST NE
- 33RD ST NE
- 34TH ST NE
- 35TH ST NE
- 36TH ST NE
- 37TH ST NE
- 38TH ST NE
- 39TH ST NE
- 40TH ST NE
- 41ST ST NE
- 42ND ST NE
- 43RD ST NE
- 44TH ST NE
- 45TH ST NE
- 46TH ST NE
- 47TH ST NE
- 48TH ST NE
- 49TH ST NE
- 50TH ST NE
- 51ST ST NE
- 52ND ST NE
- 53RD ST NE
- 54TH ST NE
- 55TH ST NE
- 56TH ST NE
- 57TH ST NE
- 58TH ST NE
- 59TH ST NE
- 60TH ST NE
- 61ST ST NE
- 62ND ST NE
- 63RD ST NE
- 64TH ST NE
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- 69TH ST NE
- 70TH ST NE
- 71ST ST NE
- 72ND ST NE
- 73RD ST NE
- 74TH ST NE
- 75TH ST NE
- 76TH ST NE
- 77TH ST NE
- 78TH ST NE
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- 80TH ST NE
- 81ST ST NE
- 82ND ST NE
- 83RD ST NE
- 84TH ST NE
- 85TH ST NE
- 86TH ST NE
- 87TH ST NE
- 88TH ST NE
- 89TH ST NE
- 90TH ST NE
- 91ST ST NE
- 92ND ST NE
- 93RD ST NE
- 94TH ST NE
- 95TH ST NE
- 96TH ST NE
- 97TH ST NE
- 98TH ST NE
- 99TH ST NE
- 100TH ST NE

A red "R-2" zoning designation is visible on the left side of the map, near Lot 13. The map is a detailed plat map of a portion of the City of Portland, Oregon, showing lots and streets. The map is oriented with North at the top. A yellow callout box labeled "SITE" points to a specific lot. The map includes the following lot numbers and addresses: