



Testimony of Stephen Varga

BZA Case No. 19629 of Timothy and Charlotte Lawrence

1665 Harvard St. NW (rear); Square 2588; Lot 827

April 17, 2018

Good Morning, Chairman Hill and members of the Board. My name is Stephen Varga, Director of Planning Services at Cozen O'Connor. As you have heard in previous testimony, this case involves a simple request to locate a modest garage on an alley lot. Unfortunately, it has become complicated due to the varying levels of regulatory and administrative requirements that have been placed on alley lots.

In preparation of my testimony today, I have performed research on the historical basis of the establishment of minimum lot size requirements in zoning regulations by consulting information provided through the American Planning Association Advisory Service, which aggregates planning, zoning, and land use research and studies published nationwide. At its base, the original and current purpose of zoning regulations are to ensure the health, safety, and welfare of residents. This is echoed in the District's zoning regulations. Subtitle A-101, Interpretation and Application, states:

In their interpretation and application, the provisions of this title shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to:

- (a) Provide adequate light and air;
- (b) Prevent undue concentration of population and the overcrowding of land; and
- (c) Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services.

This section remains unchanged from the zoning regulations adopted in 1958 in Section 101.1.

As my findings reveal, minimum lot size requirements were established in the zoning codes of many major American cities throughout the early and middle 20th century as a way to directly address the consequences associated with densely-populated arrangements of living for residents

without adequate water and sewer access. The thinking was that, by spreading people out, health and sanitary living conditions could be achieved.

Between 1920 and 1958, only lot occupancy, court, and yard requirements were regulated. The Zoning Regulations of 1958 introduced minimum lot size requirements with the intent to improve health and sanitation in the District. It is crucial to consider that these minimum lot size requirements introduced in the zoning regulations of 1958 did *not* apply to alley lots. Section 3101.39 regulated private garages on alley lots recorded with the Finance Office on or before November 1, 1957, subject to provisions in Article 74. Section 7401.12 regulated private garages constructed on alley lots, requiring that they be set back 12 feet from the centerline of the alley and should “be exempt from the requirements for minimum lot dimensions but shall be subject to the limitation on percentage of lot occupancy for the district in which located.”

This plainly demonstrates that the purpose and intent of the zoning regulations was to permit garage use of alley lots which could not satisfy the minimum lot dimensions.

Seeing as the proposed project does not propose a dwelling but rather a small garage that would not require water or sewer connection, the historic need or rationale for requiring a minimum lot size do not apply.

Additionally, when reviewing our city’s design and lot configuration, the notion of viewing a structure from the rear of a dwelling is not adverse to the zone plan or zoning regulations. Many lots especially, for instance, at the corner of a square abut in a manner in which a garage on one lot may appear to be in the rear of the corner facing lots backyard. When the Board is evaluating where there is adverse impact to the public good or zone plan, it must consider the standard amongst a city environment and then consider which is more common, and hence more acceptable. Given the separate ownership and separation of the Lawrence’s street fronting lot from this orphan alley lot, assemblage is not possible and thus variance and special exception relief is proper and permissible.

Therefore, the Board can rest assured that the granting of the relief from the lot subdivision requirements will not cause any detriment to the public good and does not impair the intent, purpose and integrity of the zone plan. I urge you to approve the relief requested.