



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Maxine Brown-Roberts, Project Manager  
Joel Lawson, Associate Director for Development Review

**DATE:** June 15, 2018

**SUBJECT:** OP Supplemental Report - BZA #19747 – 445 15<sup>th</sup> Street, SE – Request for Variance and Special Exception relief to permit an existing garage.

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At its public hearing for BZA 19747 on May 16, 2018, the Board of Zoning Adjustment (Board) requested that the applicant provide additional information regarding how the variance test of Subtitle X, § 1000.1 is met for the requested increase in lot occupancy for an existing garage. The Board outlined a schedule for the information to be submitted as follows:

- June 6, 2018 – Applicant to provide analysis of the variance test;
- June 13, 2018 – Office of Planning (OP) to provide a supplemental report addressing the applicant's submission;
- June 20, 2018 – Continued public hearing.

The applicant submitted the information on June 11, which did not allow sufficient time for OP to review the submission and file a supplemental report on June 13, 2018. OP's report is therefore being submitted after June 13, 2018.

The applicant requested variance and special exception approval for the continued use of an existing garage at 445 15<sup>th</sup> Street, SE in the RF-1 zone. As stated in our May 4, 2018 Report (Exhibit 33), OP recommends approval of the special exceptions for setback from the alley centerline and Accessory Building Area. However, OP recommended denial of the variance from the requirement of Subtitle E § 304.1, Lot occupancy, (60% allowed, 70% SE, 85% proposed) as the applicant did not demonstrate that there was an exceptional situation leading to a practical in meeting the requirement. In their June 11 submission (Exhibit 40), the applicant provided a copy of the building permit granted on May 17, 1921 demonstrating that the garage has existed on the site for nearly 100-years and a cost estimate for demolition of the garage.

Upon review of the information submitted by the applicant, OP recommends **approval** of the variance for the lot occupancy as follows:

### Variance pursuant to Subtitle X, § 1000.1

- Subtitle E § 304.1, Lot occupancy, (60% allowed, 70% SE, 85% proposed).

## **ANALYSIS**

To be granted a variance, the applicant must demonstrate that the application meets the three-part test



of Subtitle X § 1000.1

**(a) *Exceptional Situation Resulting in an Exceptional Situation***

The applicant is faced with an exceptional situation in that the covered garage has existed on the property prior to ZR-16 and neighbors in the vicinity of the site have indicated that the garage has existed on the property for a long time. The applicant has provided a building permit (Exhibit 40A) for the garage which was granted in May 17, 1921. The dimensions on the building permit are very close to those of the existing garage. The applicant seems to have purchased the property with the garage in good faith, and it would be practically difficult to meet today's zoning requirements as it would require that the garage be totally or substantially demolished. The applicant provided a cost estimate for demolition of \$23,450 at Exhibit 40B; while this seems expensive for the removal of a one-story garage, the cost combined with the history of the garage described in the recent submissions present a sufficient practical difficulty.

**(b) *No Substantial Detriment to the Public Good***

The garage fronts on 15<sup>th</sup> Street although there is no curb cut. The applicant has undergone review by DDOT's Public Space Committee and was granted conditional approval for a curb cut at the corner of 15<sup>th</sup> Street and the alley to access the garage provided the applicant can obtain a building permit for the garage. The proposed garage would not substantially affect vehicular or pedestrian movements along the alley, or impact the public good. The ANC is in support of the application (Exhibit 38).

**(c) *No Substantial Harm to the Zoning Regulations***

The lot occupancy regulations are intended to regulate the bulk and coverage of lots and the proposed lot occupancy significantly exceeds that allowed by special exception. However, the garage has existed for nearly 100-years, and the applicant has demonstrated that it has not had a negative impact on the adjacent neighbor or the neighborhood. Retaining and improving the almost 100 year old garage would therefore present no substantial harm to the Regulations.