GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: May 22, 2001

SUBJECT: BZA Application #16707 (Frederick and Julia Wade Garage)
4837 Hayes Street, N.E.

APPLICATION

The application by Frederick and Julia Wade requests, pursuant to 11 DCMR 3103.2, an area variance from the provision of §2300.2 to allow the construction of a private garage that does not meet the side yard requirements under §405 in the R-2 District.

PROPOSAL

The applicant proposes to construct an approximately 403 square feet, 1-story, private garage as an accessory building to the main residence.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the variance request be **APPROVED**, as the applicants have demonstrated that due to the unique shape of the property and other encumbrances on the property the side yard requirements should be reduced.

SITE AND AREA DESCRIPTION

The subject property is located in the Deanwood community at 4837 Hays Street N.E., Square 5148, Lot 53 (See Figure 1). The site is developed with a 1-story plus basement, single-family detached house. A 15-foot building restriction line crosses the front of the property along Hayes Street and was formerly a part of East Washington railroad right-of way.

The area surrounding the subject site has a variety of uses although it is predominantly 1- and 2-story, detached residences. The surrounding area is developed as follows:

BZA
Case No. 16707
Exhibit No. 23
Board of Zoning Adjustment
District of Columbia
CASE NO.16707
EXHIBIT NO.23

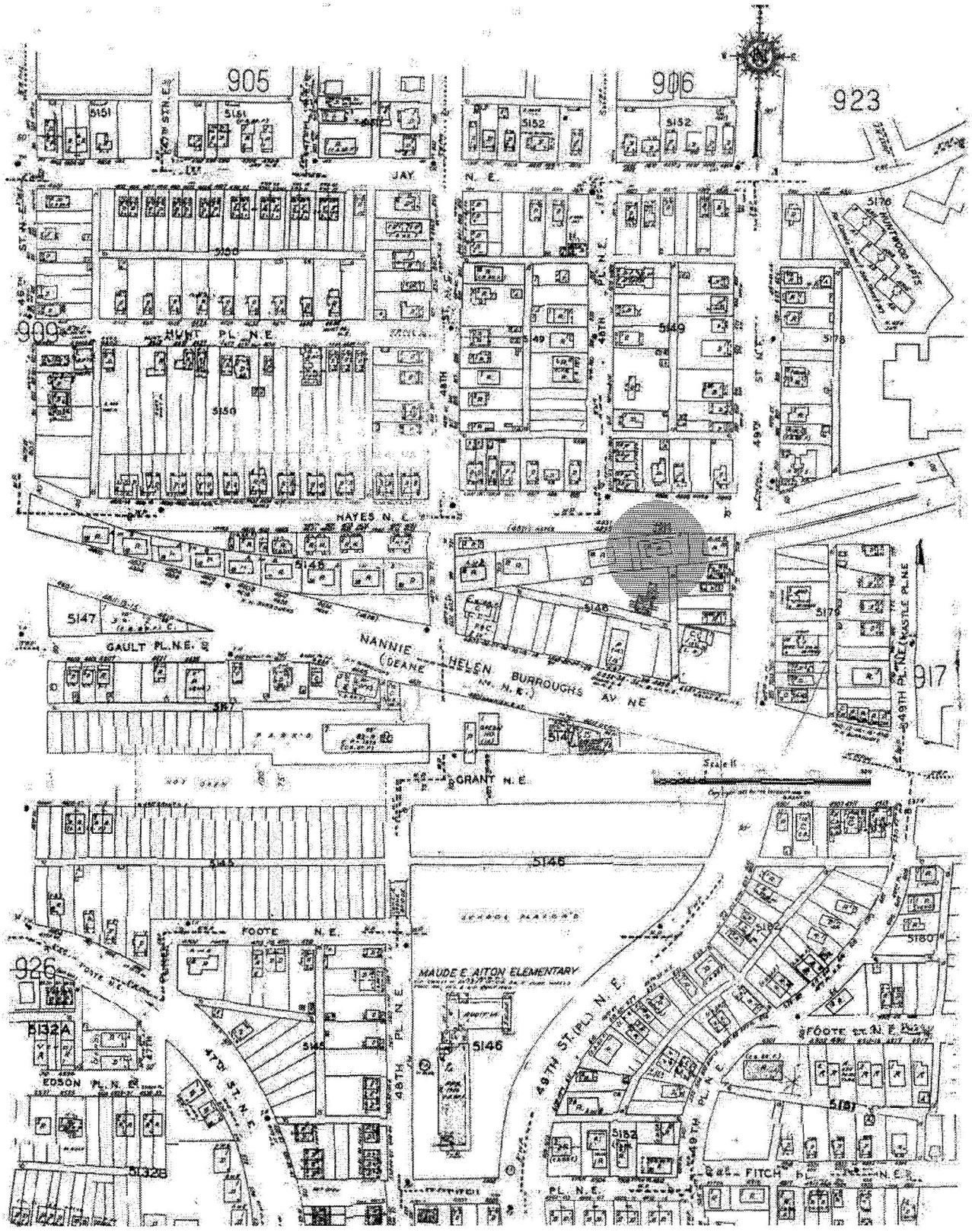


Figure 1: *Site location*

- To the north of the site are 1- and 2-story single-family, detached residences. At the intersection of 48th Place and Hayes Street are two sets of 2-story, semi-detached apartment units.
- To the east of the site are 1- and 2-story single-family detached residences.
- To the south of the site are undeveloped properties, the Revival Tabernacle Church of God church, and the Assembly Saints Church that fronts on Nannie Helen Burroughs Avenue.
- To the west of the site are 1-story, single-family, detached residences and the Zion Fair First Baptist Church of the Living God, Inc. church at the intersection of Hayes and 48th Streets.

The square is bisected by two proposed alley right-of-ways. A north–south alley to the rear of the subject property and an east–west alley through the center of the square are both overgrown with trees and shrubs, fenced, and therefore inaccessible to and from adjacent properties.

ZONING REQUIREMENTS

The subject site is zoned R-2 and a private garage is a permitted accessory building in this zone subject to the guidelines outlined in § 2300.2 which requires that the building be setback 8 feet from the side lot line and at least 10 feet from all building lines.

ANALYSIS

The applicants have proposed to construct a private garage to park their leisure van. Since receiving the van as a retirement gift, it has been broken into, vandalized, and appliances stolen on five occasions since1995, while parked on the property. In order to secure and protect their property, the van has been parked at another locations outside of the neighborhood, which has proven to be inconvenient. The proposed garage is not of an excessive size and will only house the leisure van and not the other vehicles owned by the applicant. The garage will allow the applicants to keep the van secure and deter thieves from entering the property. Constructing a fence along the front of the property was also considered. However, that is not possible since the adjacent neighbor to the west of the property uses the same entrance to access their property.

The garage is proposed to be 1-story garage of approximately 403 square feet in area, 12.5 feet high, and will accommodate only the van. The 12-foot wide pavement along the front of the house will be extended to the garage. (See Figures 2, 3, and 4)

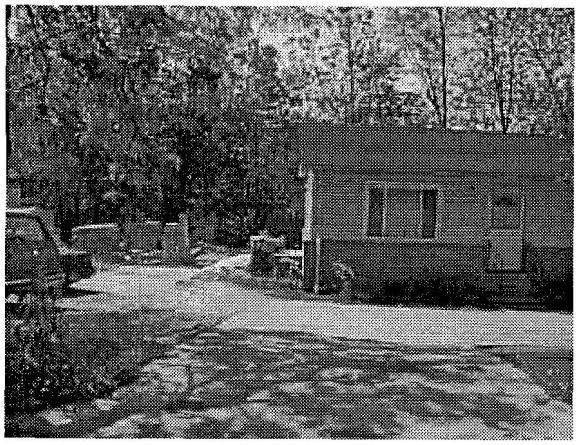


Figure 2: *Front view of house looking south. Garage to be located to the left.*

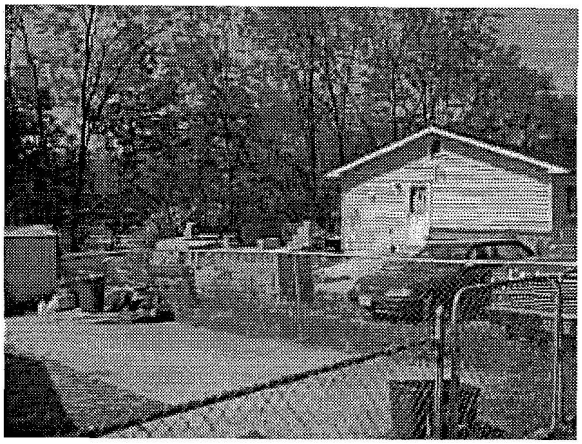


Figure 3: *Side view of house looking west over neighborhoods yard.*

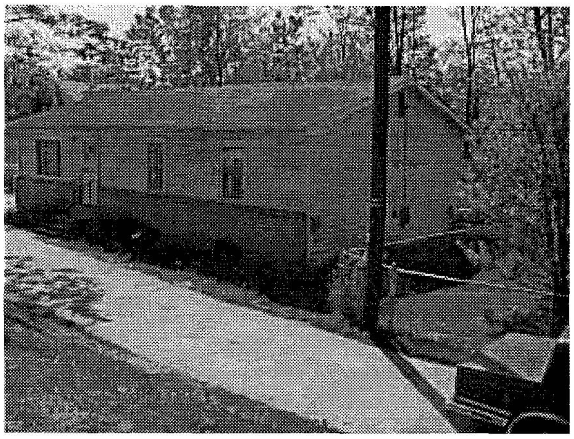


Figure 4: *Access to neighbor's house.*

§2300.2

A private garage is a permitted accessory building in the R-2 District and is subject to the requirement of §2300.2 which states:

"A private garage that is an accessory building in a Residence district shall be subject to the following special regulations in regard to its location:

(a) It may be located either within a rear yard or beside the main building; Provided, that if the garage is located beside the main building, it shall be removed from the side lot line a distance equal to the required side yard and from all building lines a distance of not less than 10 feet (10 ft.);..."

The distance between the rear of the house and the rear property line is 20.5 feet. The proposed garage has a width of 17.5 feet and therefore only 3 feet of space would remain to be distributed between the garage and the house and the garage and the rear property line. The distance between the side property line and the house is much greater, approximately 35 feet, and therefore the garage can be better accommodated beside the main building. Although the side yard is larger than the rear yard, the garage is still unable to be meet the required 8-feet setback from the side yard. The proposed building meets all other setback requirements including the requirement for a minimum setback of 10 feet from the building restriction line along the front of the property.

§3103.2

The standard by which the BZA should approve an area variance is set forth in §3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

> **"The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;"**

The subject property is unique by reason of its shape. A number of the lots along this block of Hayes Street are irregularly shaped but this lot is the smallest in size. The lot frontage along Hayes Street is only 16 feet wide and in addition there is a 15-foot building restriction line along the lot frontage. The area behind the house is narrower that that of the side yard and therefore is unable to accommodate the garage. These factors combined with the need to have adequate space between the house and the garage limits the remaining area on which to build the garage.

> **"By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property."**

Due to the shape and size of the property and the building restriction line across the front of the property, the areas for the placing of the proposed garage are limited. Further, because of the narrowness of the rear yard, the proposed garage cannot be placed anywhere else on the property except beside the main building. Even with the additional width on the side yard, the garage will not fit due to the required side yard setback. The proposed size of the garage cannot be reduced to fit within the required side requirements as the leisure van would not fit into a smaller garage. Therefore, the required side yard setback presents an exceptional practical difficulty to the applicant. If the applicant is unable to build the garage, they would have to continue to leave their vehicle unprotected and be susceptible to it been broken into again or stolen.

> **"The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."**

The variance requested will not cause "substantial detriment to the public good" as the location of the garage will not impact the adjacent residence to the east of the property as that house has a greater than required side yard. In addition, the garage will not block the light and air to that residence, as the garage cannot be viewed from that side of the house because it has no windows or doors. Therefore, the intent, purpose, or integrity of the Zoning Regulations and Map will not be harmed. The proposed garage will be 1-story with brick to complement the residence and the surrounding properties. The proposed variance to allow a side yard setback that is less than the required setback will not diminish the intent, purpose, or integrity of the Zoning Regulations and Map. In addition, the accessory private garage is a permitted use in the R-2 district and supports the aim of the regulations.

COMMUNITY COMMENTS

ANC–7C reviewed the application at a special meeting on April 11, 2000. At its April 12, 2000 regular meeting the ANC voted unanimously to approve the requested variance. ANC-7D that is directly across the street from the subject property was notified but no comments were received.

SUMMARY AND RECOMMENDATION

The proposed accessory private garage will allow the applicants to better secure their property. The proposed 4-feet variance from the side yard requirement meets the provisions of Section 3103.2 of the Zoning Ordinance for granting a variance. The "exceptional situation" of the site is demonstrated through the property has a unique shape and is further encumbered with a building line restriction which further presents a practical difficulty to the applicant to meet all requirements. Approval of this variance request will not cause any "substantial detriment to the public good" and may in fact help to deter vandalism and thefts in the neighborhood.

The Office of Planning therefore recommends that the Board of Zoning Adjustment **APPROVE** the variance from the side yard requirement.

AA/mbr