GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: March 12, 2002

SUBJECT: BZA Case # 16835 Variance Request

APPLICATION-IN-BRIEF

Applicant: Mary Josiah
529 14th Street, N.E
Square 1052, Lot 808

Relief Sought: Pursuant to 11 DCMR 3103.2, the applicant is requesting variance relief from the following:

- Variance of 16.24% from the maximum lot occupancy (60%) provisions (section 403 of the R-4 District)
- Variance of 12 feet (100% from the minimum setback from the centerline of the abutting alley for a private garage in the R-4 District under section 2300.2(b).

BZA
Case No. 16835
Exhibit No. 22

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved for a one-car garage no larger than 15 feet in length and 18 feet in width.

Applicant's Justification:

The applicant proposes to construct an accessory garage, to the rear of her one-family dwelling. The new garage would be a replacement for a garage that was torn down prior to current ownership.

Board of Zoning Adjustment
District of Columbia
CASE NO.16835
EXHIBIT NO.22

SITE AND AREA DESCRIPTION

The subject premises are in the Stanton Park neighborhood of Ward 6, located at 529 14th Street, N.E. Maryland Avenue generally bounds the subject premises to the north, Tennessee Avenue is to the south, 15th Street to then east and 14th Street is to the west. The neighborhood is mostly residential in character. Row dwellings are the predominant housing type in the neighborhood. All of the dwelling units on square 1052 were built between 1907 and 1950, a period which predates the adoption of the Zoning Act of 1958.

Commercial services for Stanton Park neighborhood are provided within two blocks of the subject premise, along the H Street commercial corridor and at Hechinger Mall, which is three blocks to the northeast. New private investment on both the 13& 1400 blocks of H Street should signal economic resurgence on that critically important commercial corridor.

AREA ZONING

The subject dwelling is in the R-4 zone district. The R-4 district is designed to include those areas developed primarily with row dwellings, but within which there have been a substantial number of conversions of dwellings into dwellings for two are more families.

APPLICANT'S PROPOSAL

The applicant proposes to construct an 18 x 22 foot garage at the east end of the subject property. The garage would be adjacent to two public alleys, one north/south to the rear and a second alley, which is on the north side of the property and runs east/west. The garage is proposed to be side loading with access from the north (side) alley. There would be a deck on the roof of the garage, which would be accessible by a spiral stairway, to be built on the west end of the garage. There will be approximately 24.5 feet of yard space remaining between the rear of the principal dwelling and the garage.

The applicant purchased the subject property approximately one year ago. It is her intention to rebuild a garage, formally located at the rear end of the property. It is the applicant's position that a new garage would provide some protection and security for herself as well as her vehicle, especially when she returns home from school late at night and on-street parking is very difficult to find. There have been a number of personal property crimes (including vehicle theft) in the community since the applicant purchased the property. The applicant's vehicle has been vandalized and spray-painted.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. **Comprehensive Plan Section 1104.1(h)** outlines a policy to "encourage the maintenance of existing housing stock and, where appropriate, the rehabilitation and

new construction of detached and row housing." The Comprehensive Plan Generalized Land Use Map depicts the subject property as being in the ***Moderate Density Residential Land Use Category***. Row houses and garden apartments are the predominant uses in this category, although this category may also include low and moderate density housing.

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

Yes. The subject property is unique by reason of an exceptional situation that exists because of the small size of the property (18 foot width), coupled with the narrow width of the alley (10 feet), which provides access to the proposed garage site to the side of the property. In addition, there is an undersized private lot adjacent to the subject property at the east end, which serves to separate the subject property from the public alley to the rear.

The subject property is only 18 feet wide and is one of two lots in the square that have an alley on both the rear and full side yard. There is another dwelling attached to the subject dwelling to the south and the property fronts on 14th Street, to the west. The east/west alley, which is on the north side of the subject property, provides the only direct access from public space to the location of the proposed garage.
(Show alley system, with garage next door)

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

Yes. The strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties to the owner of the property due to the characteristics of the subject property**.** The applicant's property is distinctively the ***only*** property on the block with available garage space, but separated from the public alley to the rear of the property by a small private lot. The property was developed prior to the adoption of the zoning regulations and originally had a garage that deteriorated and was removed. Application of the current regulations prohibits the replacement of a garage when one has been removed, unless the replacement can comply with the regulations.
(See photo of Lot 518)

Can the relief be granted without substantial detriment to the public good and if granted, it will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

Yes. If the Board were to grant the requested area variance, it would not cause substantial detriment to the public good and if granted, it will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. There is evidence that there previously was a garage structure on the property. The new owner proposes to rebuild the garage, using the same footprint. There are also garages to the rear of nearly all of the properties that front on the east side of 14th street, N.E
(Show shot of old garage pad)

OP believes the variance can be minimized and still meet the purpose of the applicant by approval of a one-car garage.

§2300.2 of the regulations permits private garages as accessory building in a residence district subject to the following location requirements:

(b) When abutting an alley, it shall be set back at least twelve feet from the centerline of the alley upon which it opens.

The applicant cannot meet this special regulation requirement for the following reasons:

- The subject property predates the Zoning Act of 1958 and has a non-conforming dwelling.
- The garage will open onto a 10' wide alley. The lot is only 18 feet wide and to meet the 12 feet setback, the garage would be only12 feet deep.

  (Show view of alley looking south, where the trash truck was)
- The applicant's property is not accessible from the improved public alley to the rear of the property. If it were not for the small undersized private lot adjacent to the rear of the subject property, the applicant would have easy access to her garage area, with adequate turn radius from the north/south alley, at east end of her dwelling, just as all of her neighbors.

- The alley on the north side of the subject dwelling, is the only area of the alley system, which provides direct access to the proposed garage.

- All of the other garages are orientated east/west and are accessible from the alley to the rear of the properties. The applicant cannot

meet the required twelve feet set back from the centerline upon which the garage opens, because the garage will be built the width of a narrow lot (18 feet) in order to accommodate one passenger vehicle.
(Show area of property {gate}, where garage will front)

It is important to consider the primary reason that the applicant desires to rebuild the garage. ***The applicant is very concerned about her safety, and the protection of her personal property.*** She resides in a neighborhood where there is frequent competition for parking spaces. Further, the applicant attends school in the evening and often arrives home late when there are no parking spaces available in close proximity to her home. She is concerned regarding her safety and her vehicle, when she has to park some distance from her home. Her vehicle has been spray-painted and vandalized. (These incidents were reported to the 5th District Police Headquarters.)

COMMENT COMMENTS

The applicant will seek to have the project presented Advisory Neighborhood Commission 6A, for the March 5, 2002 ANC meting.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Mary Josiah, requesting two variances; one from the maximum lot occupancy (60%) provisions and the second one from the minimum setback from the centerline of the abutting alley for a private garage in the R-4 District, the Office of Planning recommends that the Board approve the application, with the following condition. ***The requested garage should be for no more than one vehicle and the dimensions should y be no larger 18 feet wide (the property width) by 15 feet long***. The Office of Planning finds that the applicant has mostly satisfactorily met the tests specified in Section 403 and 2300. 2 (b), and concluded the application will not cause substantial detriment to the public good and if granted, it will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.