GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. ZONING
2002 OCT 15 PM 5:05

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: October 15, 2002

SUBJECT: BZA Application 16928 - Request filed by Greenstein, DeLorme & Luchs, P.C. for two **area variances** for the proposed construction of a building accessory to a one-family detached dwelling for use as a two-car garage and domestic living quarters, proposed by Paul C. Dougherty for 5115 Rockwood Parkway, N.W.

APPLICATION
Application of Paul C. Dougherty for:

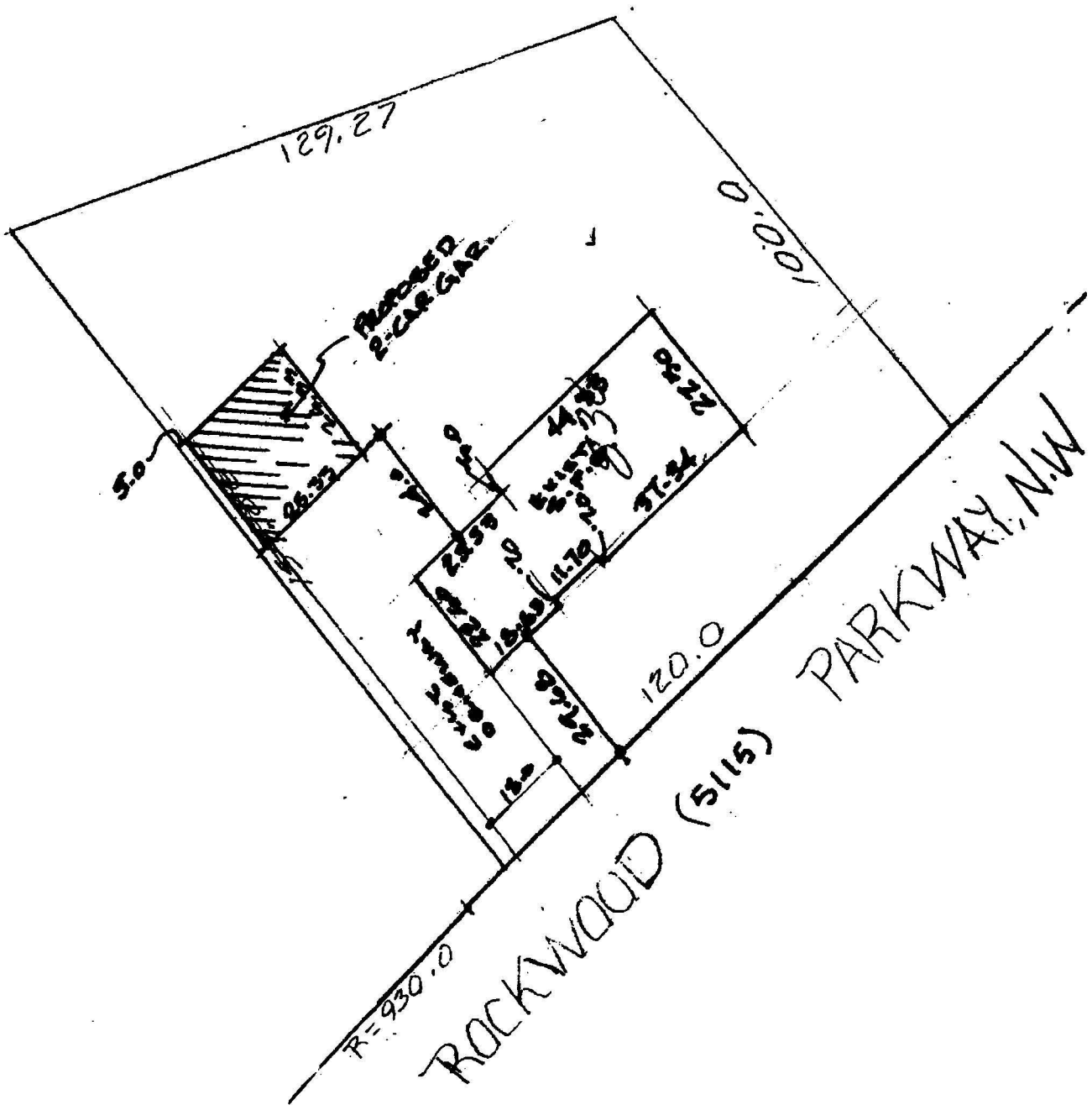
> **Two area variances to §2500.6 Title 11 DCMR,** Accessory Uses and Buildings, to permit an accessory building height of 25 feet and a side yard setback of 5 feet for property on the northwest side of Rockwood Parkway, N.W., 5115 Rockwood Parkway, Square 1459, Lot 836. The property is zoned R-1-A, low density one-family detached dwellings residence district.

SUMMARY RECOMMENDATION
The Office of Planning recommends denial of the application.

PROJECT DESCRIPTION
The applicant proposes to construct a two-story accessory building with a two-car garage on the first level and domestic servants' quarters on the second, as provided by 11 DCMR §2500.5. The domestic living quarters will be located beneath a pitched roof, with dormer windows on the front. The accessory building is proposed to the rear of the existing dwelling, five feet from the southwest side property line. A building height of 25 feet is proposed.

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EXHIBIT NO.23



Vehicular access to the garage is via a small expansion of the existing paved driveway. The southeastern side of the garage doors will align with the existing driveway, which will be squared off to meet the front of the structure. Pedestrian access to the garage will be through a side door that will open onto a flagstone patio that will be extended from the middle of the rear of the dwelling. Access to the domestic living quarters will be from the rear of the accessory building. Due to the slope of the rear yard, the entrance to the second floor living quarters will be at-grade.

AREA AND PROPERTY DESCRIPTION

The property consists of Lot 836 in Square 1459, in the North West quadrant of the District. It is located on the northwest side of Rockwood Parkway, between Tilden Street and Dalecarlia Parkway. The subject property is 15,056 square feet in area, has a lot width of 120 feet, and is trapezoidal in shape. It is improved with a one and one-half story one-family detached dwelling. An 18–foot wide "L" shaped driveway is located on the north side of the house, expanding to 24 feet in width beyond the curve at the rear of the house.

View of driveway leading to proposed accessory building site



The surrounding area is residential, improved with single-family detached dwellings. Topography of the site slopes downward from the rear of the property to the front, with the front of the property relatively level. The adjacent property to the rear is improved with a single-family detached dwelling that is constructed at a higher elevation than the subject property. The property to the west is also at a higher elevation, but less so than the property to the rear.

EXISTING ZONING

The property is located within the R-1-A district, which is characterized by low density one-family detached dwellings.

R-1: Low density one-family detached dwellings district

"The R-1 district is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes." (§200.1)

RELIEF REQUESTED:

Variance to §2500 – Accessory Uses and Buildings

Section 2500.6 states the following:

> *"A two (2) story accessory building allowed under §2500.5 shall not exceed twenty feet (20 ft.) in height, and shall not be located within the required rear yard. The two (2) story accessory building shall also be set back from all side lot lines for a distance equal to the minimum width of a required side yard in the district in which it is located."*

This application is for a two-story accessory building 25 feet in height, five feet more than provided under §2500.6. A minimum eight foot side yard is required in the R-1-A district under §405.9, three feet more than the minimum five feet proposed by this application.

Section 3103.2 empowers the Board of Zoning Adjustment to grant variances subject to the following:

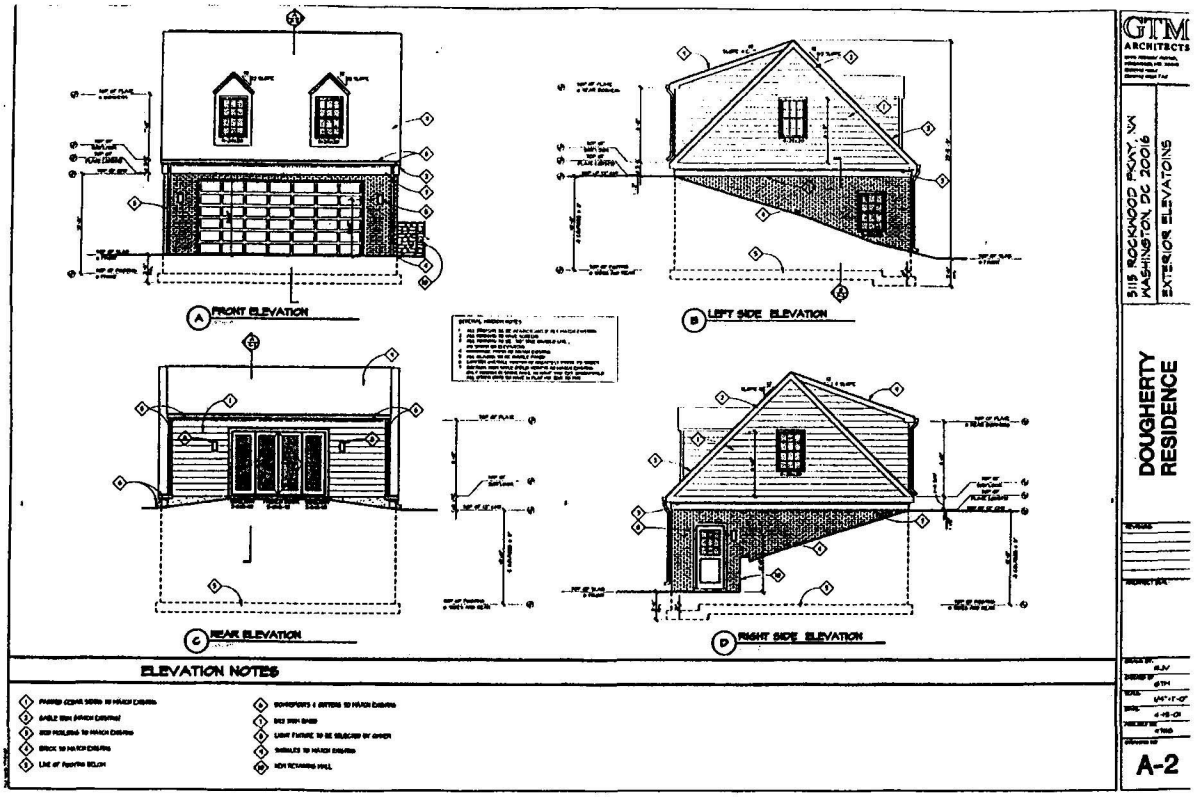
> *"[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment tot the public good and without substantially impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map."*

The subject property is neither narrow nor shallow. It does not contain exceptional topographical or other extraordinary or exceptional conditions or situations that preclude the construction of the proposed accessory structure to a maximum height of 20 feet, or that prevent the proposed accessory structure from meeting the required side yard setback. The application offers no evidence to support the proposition that the Zoning Regulations cannot be met. The Office of Planning is concerned that the additional height, especially when combined with the reduced setback, will allow the structure to have a greater visual impact on the adjoining property to the southwest than anticipated the Zoning Regulations.

The purpose of the maximum 20-foot high building restriction is to ensure that accessory buildings do not begin to take on the appearance of a primary structure. The additional 5 feet appears to be necessary only to accommodate the architectural features of the building, and not any specific conditions of the site. Although the proposed building is proposed to be built into the hillside, the topography does not impair the ability to construct this building on the site.

The site is of sufficient size to accommodate the minimum 8-foot side yard setback. At 15,056 square feet, it contains more than twice the minimum 7,500 square foot lot area. The width of the lot is 120 feet, or 160 percent of the minimum lot width of 75 feet. There are no other accessory buildings within the rear yard that would impair this relocation of the accessory building. As there is proposed to be more than 600 square feet of paved area to the front of the garage doors, it is not necessary to align the proposed garage doors with the existing paved driveway to ensure

that the two garage spaces are accessible. Therefore, the Office of Planning concludes that there are no extraordinary or exceptional conditions to justify these variance requests.



Exterior Elevations of Proposed Accessory Structure

COMPREHENSIVE PLAN

The Generalized Land Use Map recommends the Low Density Residential land use category for the subject property- *"Single-family detached and semi-detached housing are the predominant uses."*

COMMUNITY COMMENTS

ANC 3D unanimously recommended denial of the application. A letter from the chair of ANC 3D, dated October 7, 2002, indicated their concern that the proposed structure more resembled a small house than it did an accessory building. The letter also stated that the next-door neighbor to the southwest claimed the proposed accessory building would block sunlight, allow for a direct view into her bedroom window and possibly cause harm to an old poplar tree on her property.

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variances. No evidence was submitted documenting that the application meets the variance test. The Office of Planning

concludes that the requested variances do not meet the required tests and cannot be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends denial of both variance requests.

AA/sjm$_{AICP}$



Feature Key

- Zoning Boundaries
- Square Index

Board of Zoning Adjustment
Application No. 16928

DC Office of Planning
September 5, 2002

Scale 1:1766

25 0 25 50 75 100 Feet

Attachment 1