GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: March 16, 2004

SUBJECT: BZA Case #17130, lot occupancy special exception and garage setback variance request

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends that the special exception request for lot occupancy be approved, and that the revised request for a 2 foot variance for garage setback from the alley be approved, as both requests adequately meet the required tests without impairing the public good or the intent, purpose and integrity of the Zoning Regulations and Map.

II. APPLICATION-IN-BRIEF

Location	407 – 11th Street SE, Washington DC Square 0972, Lot 7, Ward 6; ANC 6B, SMC 6B04
Applicant:	Judith Capen, Architrave Architects for James Brady & Neysa Rich, owners
Zoning:	R-4
Proposal:	Construction of a new 2 car garage.
Relief Sought:	Special Exception from §403, lot occupancy, pursuant to §223. Variance from §2300.2, alley setback for a garage, pursuant to §3103.

III. EXECUTIVE SUMMARY

Judith Capen of Architrave Architects has submitted an application for a special exception for lot occupancy and a variance for garage setback, on behalf of the owners of 407 11th Street SE to permit the construction of a detached garage accessed from a rear alley. The applicant has since submitted a request (Attachment I) to amend the proposal to reduce the amount of both the lot occupancy special exception and the garage setback variance requests. OP supports these changes. OP also feels that the amended proposal adequately meets the relevant Zoning Regulation tests, and recommends approval. As the property is within the Capitol Hill Historic District, OP notes that the design will require historic preservation review.

IV. AREA AND SITE DESCRIPTION – Refer to Location Plan Attachment II, Site Plan Attachment III, and Context Photos Attachment IV

The property is within Square 0972, which is bound by 11th Street SE to the east; Pennsylvania Avenue SE to the south; 10th Street SE to the west; and D Street SE to the north. The square is generally developed with row houses, with a gas station at the

Board of Zoning Adjustment
District of Columbia
CASE NO. 17130
EXHIBIT NO. 22
BZA
Case No. 17130
Exhibit No. 22

corner of 11th Street and Pennsylvania Avenue. A 15' wide alley provides access to the square from D Street and 11th Street. There are a number of fences, garages, and sheds close to the alley, but generally providing some setback (2 to 4 feet) from alley pavement. The square is within the Capitol Hill Historic District.

Lot 7 is located mid block, facing 11th Street SE. The property is developed with a two story plus basement rowhouse, with other rowhouses on each side. The rear of the site, facing the alley, is a paved parking area. Tall fences and an accessory building (on the adjacent lot) are along the side property lines.

V. PROJECT DESCRIPTION

The owners wish to construct a detached two car garage, over the location of the existing parking pad. The shed-roof garage would be about 13' in height at the alley, and 15' above grade (18.25' above alley grade) facing the house. It would be built of concrete block and decorative concrete block, and would have a partial internal mezzanine, to serve as a storage loft.

The side walls of the garage appear to be centered on the property lines. The application does not include a statement from neighbor's permitting this encroachment.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The property is designated "moderate density" residential (row houses and garden apartments being the predominant uses) on the Comprehensive Plan Generalized Land use Map. The proposed use of the site is not contrary to this designation. The proposal is also not contrary to the Comprehensive Plan. Most sections of any relevance relate to the site being within the Capitol Hill Historic District:

Chapter 8 – Preservation And Historic Features Element

§805 Specific Policies For Protection And Enhancement Of Historic Properties

§805.9 In historic districts the established form of development, as evidenced by lot-coverage limitations, yard requirements and other standards that contribute to the open space character and attractiveness of those districts, should be protected.

Chapter 17 – Ward 6 Plan

§1725 Ward 6 Objectives For Preservation And Historic Features

§1725.1 (b) To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill and Anacostia Historic District ...;

(c) To encourage new development and renovations of structures that are sensitive to the character of the historic districts in Ward 6;

The design of the proposed garage will require HP review, which will include the degree to which the proposed garage conforms to the character of the area. OP notes that the square currently includes other detached garages and structures close to the lane.

VII. AREA ZONING – R-4

The property and adjacent lands are zoned R-4, row dwellings and flats. The zone permits one family dwellings, rowhouses and flats. Detached accessory garages are a permitted use. The properties within this square that face Pennsylvania Avenue SE are zoned C-2-A, low-moderate density community business center.

VIII. REQUESTED SPECIAL EXCEPTION RELIEF (refer to Project Profile, Attachment V)

The applicant has requested the following special exception relief pursuant to §223:

1.	Zoning Regulation:	Proposed:
§403.2	**Lot Occupancy:** 60% max.; §223.3 permits 70% max. by special exception	64.0%, as calculated by the applicant.

The property currently meets lot occupancy requirements. The 410 square foot garage, however, would increase lot occupancy to greater than permitted under the R-4 zoning, but less than the maximum permitted by special exception for an addition.

§223.2 - The addition shall not have a substantially adverse affect on the use of or enjoyment of any abutting or adjacent dwelling or property; in particular;

(a) The light and air availability to neighboring properties shall not be unduly affected;

Complies: The one story detached garage would have minimal impact on air or light availability to adjacent houses. The presence of existing 10 to 12 foot high fences on the side lot lines and an accessory structure on the neighbor's property would minimize impacts of the proposed garage on light access to the rear yard of neighbor lots.

(b) The privacy and enjoyment of neighboring properties shall not be unduly compromised;

Complies: The proposed garage would be located over a paved parking area. Existing high fences separate the property from neighboring ones, providing privacy. As such, enclosing the parking would add security for the owner with minimal impact on the privacy or enjoyment of neighboring properties.

(c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage;

Complies: The proposed garage is to the rear of the existing rowhouse, so there would be no impact on the streetscape. The alley-scape does not have a consistent character, with some fences, sheds, and garages – predominantly wood - on or close to the rear lot line. However, most of these provide a setback from the alley pavement of approximately 2 to 4 feet.

(d) In demonstrating compliance with (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawing sufficient to represent the relation of the proposed addiction to adjacent buildings and views from public ways.

Complies: The owner has presented plans, elevations, and photographs sufficient to show the relation of the proposed addition to adjacent buildings and views from public ways.

§223.3 - The lot occupancy of the dwelling or flat, together with the addition, shall not exceed seventy percent (70%) in the R-4 District ...

Complies – the proposed lot occupancy was calculated by the applicant to be 64.0%.

§223.4 - The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP does not have any recommendations for special treatments at this time, since the design will receive HP review. However, OP notes that the garage, as submitted, would straddle the side property lines. Although this is not a zoning issue *per se*, OP raises this as an issue to be resolved by the applicant prior to building permit submission and construction.

§223.5 - This section may not be used to permit the introduction or expansion of a nonconforming use.

The proposed addition would not alter the existing use of the site as a single-family dwelling. The site of the proposed garage is currently used for parking, so there is no change in use.

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

The original dwelling was constructed prior to the adoption of the Zoning Act of 1958. §223 provides housing modification relief for owners of dwellings that pre-date current zoning requirements. DCRA has determined that the addition of a detached garage qualifies for application under §223. Requiring full conformity to current regulations would have a negative impact on the ability of homeowners to modify and upgrade their properties to current standards without a demolition and replacement of existing development, so could, over the long term, have a negative impact on area revitalization. The granting of the requested special exception to allow for this detached garage is an appropriate application of this special exception provision.

IX. REQUESTED VARIANCE RELIEF (refer to Project Profile, Attachment V)

2.	Zoning Regulation:	Proposed:
§2300.2(b)	**Alley Setback:** for a garage = 12' min. from centerline of alley	10 feet; variance of 2 feet, as per the request to amend the application.

The existing house has a rear yard of about 40', so provides the 20' rear yard required in §404, while §2300.2(a) permits a detached garage to be located within the rear yard. As the alley is 15' wide, a garage on this lot would be required to be located 4.5 from the rear lot line to conform to §2300.2 (b). As originally proposed, the new garage would be located directly on the rear lot line, necessitating the requested variance of 4.5 feet. However, the applicant has amended the request to provide a larger setback from the the alley, decreasing the variance request from 4.5 feet to 2

feet. This follows a recommendation of the local ANC for this compromise amount. The garage would be set back about 2.5 feet from the edge of alley pavement.

Does the property exhibit specific uniqueness with respect to exceptional shape, narrowness, shallowness, topography or other extraordinary or other exceptional situations or conditions?

The lot is regularly shaped and relatively level. The site proposed for the garage is currently paved and used for parking, whereas area between the garage and the house is the small back yard for the owners. Most other structures (fences and garages) along the alley appear to provide a setback of 2 to 4 feet.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant?

Moving the garage further back onto the property to make it conform would be unnecessarily burdensome to the applicant, in that it would increase the amount of impervious surface on the property and diminish the amount of back yard area without providing benefit to adjacent neighbors. The amended proposal to provide a 2.5 foot setback is a reasonable distance that will allow safe turning motion, maintain a usable rear yard for the owner, and accommodate the construction of the garage.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Public Good: Along the alley, a number of properties have fences, most of which are set back approximately 2 – 4 feet from the edge of the alley pavement. A few properties have detached garages, and they provide a setback of about 3 feet from the alley pavement. As such, the proposed setback of 2.5 feet would be in character with existing development and would provide for ease of access through the lane for emergency vehicles and to private parking spaces.

Zoning Integrity: The intention of the required setback of the garage from the alley is presumably to minimize negative visual and maneuverability impacts of the garage on the alley, and to ensure that service and emergency vehicles can adequately access what are often confined spaces. OP feels that providing no setback, as originally proposed in this case, would be contrary to the intent of the Zoning Regulations by crowding the alley. However, the proposed 2.5' garage to pavement setback would meet this intent, particularly given the form and character of existing development on the alley.

X. HISTORIC PRESERVATION REVIEW BOARD

The subject property is within the Capitol Hill Historic District, so the garage requires the review of the Historic Preservation Office review. The applicant will file for HP review one the zoning issues have been resolved.

XI. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

ANC 6B reviewed this request at its March 8, 2004 meeting. The applicant advises that the ANC did not object to the lot occupancy special exception. With regards to the setback of the garage from the

alley, the ANC suggested the provision of a 10' setback from the centerline of the alley to the face of the garage.

XII. OTHER AGENCY COMMENTS – refer to Attachment VI for complete comments.

OP referred the original application (with the proposed 4.5' variance for garage setback) to District departments. The Departments of Parks and Recreation indicated no concern with this application. The Water and Sewer Authority noted no concern, provided neither water nor sewer pipes are installed to the garage. The District Department of Transportation encouraged a setback to increase maneuverability along the alley – DDOT has since indicated support for the proposed 2.5 foot setback from the edge of the alley pavement. The Fire and Emergency Medical Services Department noted that the originally proposed garage location on the alley would present problems for FEMS units that sometimes must take positions in the alley, and would prefer a larger setback.

As of the date of this report, OP has not received comments from any other District department.

XIII. RECOMMENDATION

OP feels that the revised proposal submitted by the applicant adequately meets the zoning regulations tests and would not impair the integrity or the intent of those regulations. As such, OP recommends approval of the lot occupancy special exception request, and the 2 foot garage setback variance request.

AA/jl

ATTACHMENTS:

I. Applicant's letter of request to amend the application.
II. Context Plan
III. Site Plan
IV. Context Photos
V. Project Profile
VI. Agency comments

ATTACHMENT I

Neysa Rich

March 12, 2004

Jerrily R. Kress, FAIA, Director
Board of Zoning Adjustment
441 4th Street, Suite 220
Washington, DC 20001

Re: Case No. 17130, Square 972, Lot 7, 407 11th Street, S.E.

Dear Mr. Kress:

Please take this letter as a request to amend the above Application for a special exception and variance filed on December 23, 2003, in the following respects:

1 *Reduce* the special exception request for lot occupancy from 64.5% to 64%, and
2 *Reduce* the variance request to allow a 10 foot setback from the centerline of the alley to the garage face, where 12 feet is required (an adjustment of 2.5 feet from our original request).

A revised drawing of our property is attached to this letter, showing the requested amendments, and showing that the length of the garage itself has been reduced from 21 feet to 20.5 feet, thereby reducing the lot occupancy from 64.5%, as originally proposed, to 64%.

In addition, we respectfully request that the 14 day period for filing this amendment prior to hearing in this matter (presently set for March 23, 2004) be waived for the following reasons:

The first meeting of our ANC Zoning Committee was March 2nd. Our architect, Judith Capen, attended on our behalf. At the meeting, it was suggested that because of the narrowness of the alley behind our property, setting the garage back an additional 2.5 feet from the centerline of the alley--a similar setback distance to other garages on the alley--would be desirable. We agreed to this adjustment. On March 8, 2004, we met personally with the ANC Committee as a whole, and were advised that the ANC has no objection to the garage, as adjusted.

Thereafter, on March 11, 2004, we met with the Capital Hill Restoration Society Zoning Committee to present our garage proposal, as adjusted. And we are advised that this group will support our proposed garage, as adjusted.

Accordingly, we are amending our Application to request a special exception and variance of lesser degrees than originally proposed. It appears, therefore, that no additional staff review will be required by these amendments. Thank you for your consideration.

Sincerely,

Neysa Rich, for
Neysa Rich and James C. Brady, Owners
cc: Via Fax to Joel Lawson, Office of Planning, 535-2497
C:\WP51DOCS\BZA.LTR

407 Eleventh Street, S.E.
Washington, D.C. 20003
202/547-7490



OPID0002057

Legend

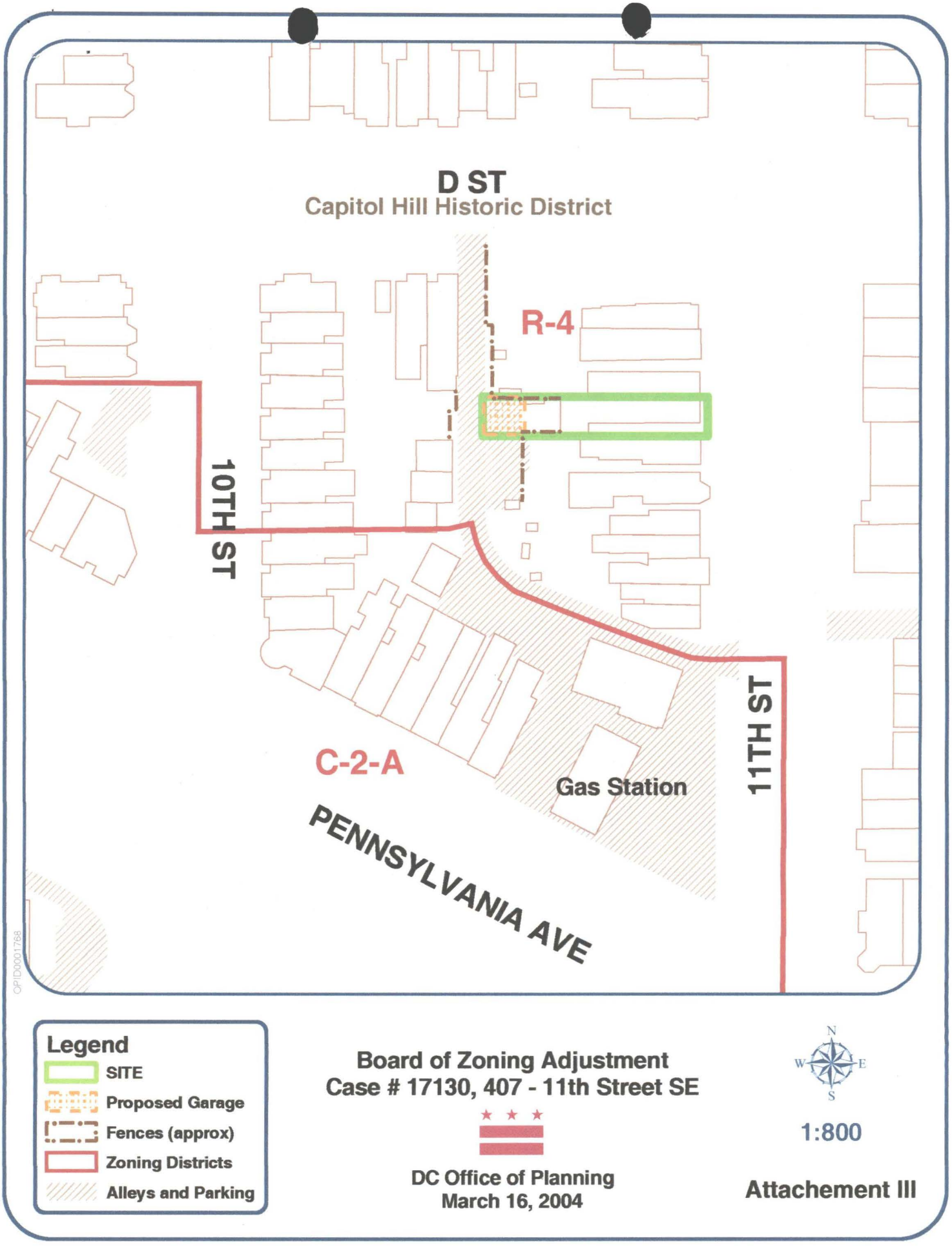
- SITE
- Zoning Districts
- Property Squares

Board of Zoning Adjustment
Case # 17130, 407 - 11th Street SE

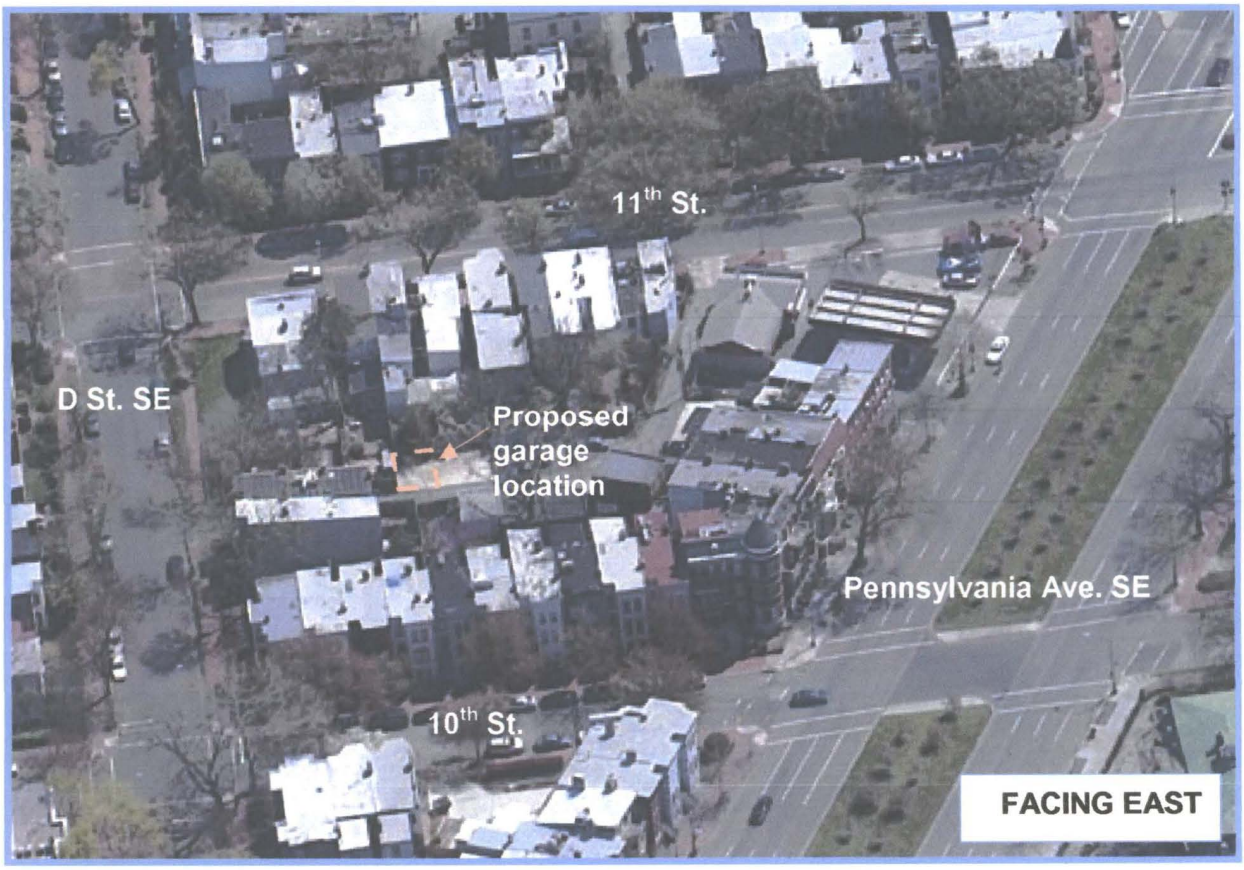
DC Office of Planning
March 16, 2004

1:2,500

ATTACHMENT II


D ST
Capitol Hill Historic District
R-4
10TH ST
11TH ST
C-2-A
Gas Station
PENNSYLVANIA AVE
OPID0001768
Legend
SITE
Proposed Garage
Fences (approx)
Zoning Districts
Alleys and Parking
Board of Zoning Adjustment
Case # 17130, 407 - 11th Street SE
DC Office of Planning
March 16, 2004
N
W
E
S
1:800
Attachement III


Pennsylvania Ave. SE
Gas Station
10th St.
Proposed garage location
Dwelling
11th St.
D St. SE
FACING SOUTH


11th St.
D St. SE
Proposed garage location
Pennsylvania Ave. SE
10th St.
FACING EAST

Standard	R-4 Zone Regulations	Proposed[1]	Variance
Dwelling Type:	One row dwelling or flat per lot	Row dwelling (existing); accessory parking garage (proposed)	Conforming
Garage Height: (§400)	40 ft. max.	18.5 feet approx.	Conforming
Lot Area (§401)	1, 800 sq.ft. min.	2,315 sq.ft.	Conforming
Floor Area Ratio: (§402)	n/a. [2]	Conforming	Conforming. Garage area is approx. 410 sq.ft.
Lot Coverage: (§403)	60% max (1,389 sq.ft.)	64.0% (1,483 sq.ft.)	**4.0% (94 sq.ft.) –**
By special exception (§223.3):	70% max. (1,620.5 sq.ft.)		**special exception required**
Rear Yard: (§404)	20 ft min.	Conforming to house	Unchanged - conforming
Side Yard: (§§405.3 / 405.9)	Not required	Conforming	Conforming
Parking: (§2101.1)	1 min.	2	2
Alley Setback (2300.2)	12' min. from c/l of alley	10 feet.	**2 feet – variance required.**

1 Information supplied by the applicant, including the request to amend the application.

2 This zone does not establish a maximum FAR.

Note: All departmental review was based on the original request to place the garage directly on the rear lot line. Departments that noted concern with this were informed of the applicant's intention to submit an amendment to the application to provide a 2.5 foot garage setback.

Fire and Emergency Medical Services Department (via email)

This *(the garage as originally proposed)* presents problems for our units that sometimes must take positions in the rear of a given address. It could also present problems for trash collection, etc. The larger setback would be preferable.

District Department of Transportation (via email)

The garage appears to be very close to the alley line. DDOT would encourage a setback to increase maneuverability.

(subsequent email) DDOT supports the amended proposal for a 2.5 foot setback for the garage from the alley pavement.

Department of Parks and Recreation (via email)

We do not have any comments/objections regarding the proposed garage at this site as it does not impact any park or recreation facility.

Water and Sewer Authority (via email)

DCWASA has no objection as long as the owner does not install water or sewer pipes to the garage.