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:** April 13, 2004

**SUBJECT:** BZA Case No. 17142
Joseph F. & Sandra L. Reid – Special Exception

**APPLICATION**
The application by Joseph F & Sandra L Reid pursuant to 11 DCMR 3104.1, for a special exception to allow an increase in the lot occupancy requirements for a one-family dwelling in the R-4 District as outlined in Section 223.1 of the Zoning Regulations.

**RECOMMENDATION IN BRIEF**
The Office of Planning recommends **approval** of the requested special exception.

**SITE AND AREA DESCRIPTION**
The subject property is in the Capitol Hill Neighborhood of Ward 6, located at 639 A Street, N.E., (Square 0868, Lot 42). It is on the south side of the block near the intersection of 7th& A Streets, N.E. A Street bounds the block to the north, East Capitol Street to the south, 7th Street to the east and 6th Street to the west. There is a 30-foot east west public alley in the middle of the subject square, which dead-end at both ends of the square. There is a 15-foot north south alley that bisects the square, and provides access to the east west alley.

The subject row dwelling was built of brick veneer in 1908, which predates the Zoning Regulations. Therefore, the structure does not comply with some of the zoning requirements, such as lot occupancy, etc. Most of the dwellings on the square were built around the same time as the subject dwelling, and also predate the 1958 Zoning Regulations.

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Exhibit No. 24

Board of Zoning Adjustment
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The subject site is in the Capitol Hill Historic District. The Historic Preservation Office approved the concept for the garage signed off on the design on September 15, 2003.

**PROPOSAL**
The applicant proposes to build an accessory garage structure in the rear of a single-family row dwelling. The proposed garage will be constructed of cinder block, and will cover the entire 17-foot width of the lot. The garage will extend 22 feet into the rear yard from the rear property boundary at the alley, and will measure 15 feet in height at its highest elevation.

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

The maximum lot occupancy in the R-4 District is 60%, and the existing dwelling is already at this limit. The proposed garage will increase the lot occupancy to 67.9% approximately 7.9% in excess of the maximum lot occupancy permitted in the R-4 District.

However, Section 223 permits consideration of lot occupancy up to 70% in the R-4 District.

***223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS* (R-1)**
Limited additions to non-conforming, one-family dwellings are permitted if approved by the Board of Zoning Adjustment, subject to the following provisions:

**§223.1 - An addition to a one-family dwelling or flat, where a flat is permitted, that does not comply with all the requirements of §§401, 403, 405, 406, or 2001.3 of this title shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3104 of chapter 31 of this title, subject to the provisions of this section.**

**§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) Will the proposed addition affect unduly the availability of light and air to neighboring properties?**

**No.** The passage of light and air to neighboring properties will not be impaired by the construction of a detached accessory garage in the rear of the subject lot. Most of the properties on Square 0868 were developed with residential dwellings around 1908. Primarily all of the interior lots on the square can be characterized as being narrow (less than18-feet in width) and elongated (over one hundred feet in depth. With the exception of

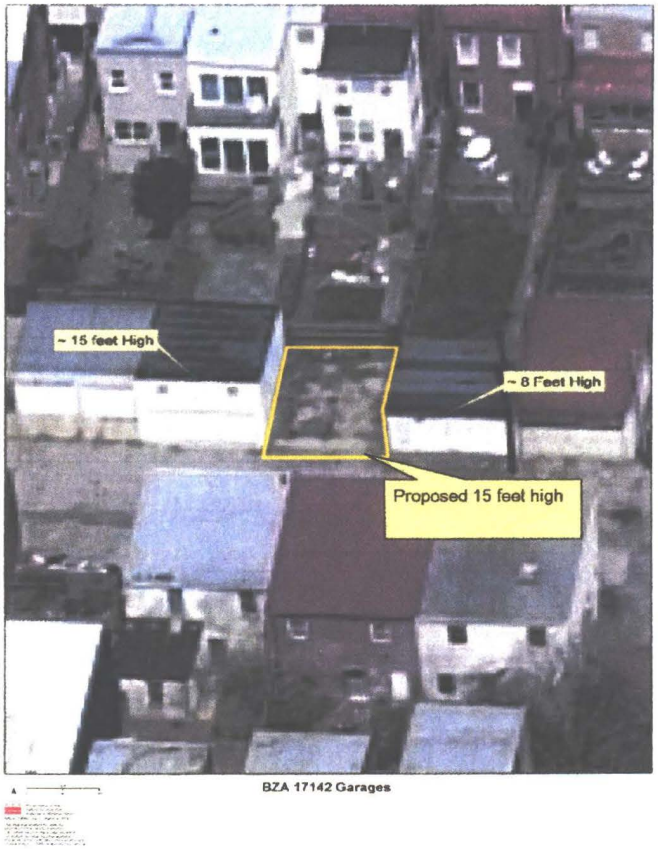
The subject lot, nearly all of the other lots on the square have detached garages or storage structures in the rear yards. However, on each of the lots, (including the subject lot) there is at least ten feet of space between the rear of the principal premises and the accessory structures. Further, the low height of the accessory structures on the square, and the three-story heights of the dwellings, diminish the potential that the air and light provisions to neighboring properties will be affected by the proposed accessory garage.



*West view of other garages along the alley*

**(b) Will the addition unduly compromise the privacy of use and enjoyment of neighboring properties?**

**No.** The addition of an accessory garage at the rear of the subject lot will not compromise the privacy of use and enjoyment of neighboring properties, but it will add an additional level of privacy for neighboring properties. With the exception of the subject lot, all of the others properties on the square have accessory garage or a storage structure in the rear yards. The location of the proposed is presently being used as an open parking pad that can accommodate two passenger vehicles. The new garage will be 15-feet in height, and will enclose the parking pad area, thereby increasing the privacy of use of adjoining properties and the construction of the garage will add security at the rear of the property, by eliminating access to the rear yard, except through the garage.




*Examples of accessory structures on subject block*

**(b) Will the addition, together with the original building, as viewed from the street, alley, and other public way, substantially visually intrude upon the character, scale and pattern of houses along the street frontage?**

**No.** The proposed accessory garage will not substantially visually intrude upon the character, scale and pattern of houses along the street frontage. The subject garage will be approximately fifteen feet in height. Section 2500.4 of the Zoning Regulations permits accessory buildings in any zone district, as long as the structure does not exceed fifteen feet in height. The proposed garage will not be visible from the front of the property, (A Street) because the structure is a row dwelling and the rear of the property is not visible from the front. The addition will be visible from the alley at the rear of the property, but the design is consistent with the character of other accessory structures on the subject block.



*Front of subject premises*

**(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.**

The applicant provided a surveyor's plat, architectural elevations, and photographs to represent the relation of the proposed accessory garage to existing dwelling and to other neighboring properties.

**223.3 - The lot occupancy of the dwelling or flat, together with the addition, shall not exceed seventy percent (70%) in the R-5 districts.**
The maximum lot occupancy for accessory structures in the R-4 District is sixty percent (60%). The principal structure is currently at the 60% limit. The addition of an accessory garage will increase the percent of lot occupancy by approximately 7.9%, making the total lot occupancy 67.9%. However, the application meets the provisions of §223, which permits lot occupancy to a maximum of 70%.

**DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?**
**Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Maps?**

**Yes.** The requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Additions to a one-family dwellings are

permitted in R-4 Districts if approved by the Board of Zoning Adjustment. The referenced dwelling was constructed prior to the adoption of the Zoning Act of 1958, and thus, some aspects of the premise (lot occupancy) do not conform to the Zoning Regulations. The accessory detached garage addition, proposed for the rear of the subject premises will be in harmony with rear additions on both adjoining properties and with garages on an overwhelming majority of the premises on Square 0868. The property will continue to be used for the intended residential purpose, and the garage will serve the parking needs of the property owners.

**Will the special exception tend to adversely affect the use of neighboring property accordance with the Zoning Regulations and Maps?**

*No.* The requested special exception will not adversely affect the use of neighboring property accordance with the Zoning Regulations and Maps. The proposed garage addition is currently being used as an open two car-parking pad. The proposed garage will enclose the pad area, thereby reducing some of the noise in the community generated by vehicles.

The garage addition will have a positive affect on the use of neighboring properties, because it would complete the uniform character and pattern of enclosed detached rear garage additions already evident on the every other house on the square. The enclosed garage will add to the security on the square, by enclosing the only open rear yard remaining on the square.

**COMMUNITY COMMENTS**

The applicants' proposal was presented to Advisory Neighborhood Commission (ANC) 6A at its regular monthly meeting, held on March 9, 2004. The ANC voted in support of the application.

**OP RECOMMENDATION**

After reviewing the application requesting a special exception to build a detached accessory garage in the rear of the subject row dwelling, the Office of Planning recommends that the Board **approve** the application. The Office of Planning finds that the applicant has satisfactorily met all the requirements specified in Section 3104.1, and 223, and that the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and the proposed accessory garage will not tend to adversely affect the use of neighboring property.