17188

Office of Zoning
441 4th Street, N.W. Suite 210
Washington, D.C., 20001

REVISED
17188

The District of Columbia Board of Zoning Adjustment
Request for Variance
409 3rd Street, N. E., Washington, D.C. Lot 26, Square 780

May 6, 2004

I. Background:

The subject property (lot 26, square 780), with premises address of 409 3rd Street, NE, is located near the end of the block toward Pennsylvania Avenue. The block and adjacent block are mainly residential (one family occupancy) town homes. There is an apartment building across from this house. The rear of the lot is a private (pay for use) parking lot, with town homes adjacent on all four sides. The rear entrance for the town homes is a driveway around the parking lot. The subject lot has a concrete slab in the rear yard for parking with a wood 6' wood fence /gate. There was once a garage on the slab. The original brick wall of past garages still remains between the property and lot 25.

The required parking for the town homes is in the rear yard. A number of the town homes have the original carriage houses built in the late 1800's when the block was built. These carriage houses extend the entire width of the lots and are now used as garages. Some have decks open and with solid fences built on the roof. Others have concrete slabs where previous garages once were. The present property has a town house used for single family residential and to be continued used as single family residential. The Owner of the above mentioned property proposes to construct a masonry garage on the existing slab at the rear, to match the house brick.

In order to accomplish the proposal, the applicant seeks the following items of variance relief from the Zoning Regulations: (1) variance from the required percentage of lot occupancy requirement of 60%; (2) variance from the required 20' rear yard requirement.

The present existing lot occupancy is 52%. Which includes a two-story rear enclosed porch. The garage would increase the total lot occupancy to 84%. The present rear yard is 28'-0". The garage would leave a 9'-0" between the garage and the rear porch and 30'-0" from the shortest part of the house to the garage.

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II. Burden of Proof:

1. Physical Characteristics:

The property predates the 20 foot rear yards zoning code requirement, as a result all of the other properties in the area with garages in the rear yards do not conform to the 20 foot rear yards requirement. Granting the variance from the 20 foot rear yards requirement will make the property uniform with those properties with garages. It is also very clear that properties with garages in that neighborhood far exceed the 60 percent occupancy requirement.

The rear yard is the only and the required parking area for the property. The rear is used for parking and always will be, making that area vehicle occupied. This is not a pleasant view from the yard or from the alley entrance. The garage would enhance the rear yard as an outdoor terrace/garden to enjoy without the view of the parking lot. The proposal seeks to provide a safe and weatherproof enclosure for the vehicles as well as a pleasant enclosure instead of viewing vehicles or a variety of mix match fences from (wood, to chain link), ugly metal garages and other things as presently exist along the alley where garages do not exist. Security of the vehicle is an important factor in this proposal. The Owner grew up in this house and is well aware of security needs.

2. Public Good:

Light and air: The proposed garage would be at the end of the lot facing a large open private parking lot. It is only one story and would not block the air and light of the adjacent neighbors. There are no trees in the parking lot to block light and air. There exist an 8-foot high masonry wall between the neighbors on lot 25. A number of the adjacent neighbors have expressed desire to erect a garage also.

Neighbor privacy: The privacy of the adjoining neighbors is not impaired. Each adjacent lot 25 and 27 has 6 foot to 8-foot high solid fences now. The only view from the rear is an open paved private parking lot, which does not enhance the character of a residential neighborhood.

Character: The character of the new structure blends in with the original design character of these houses when they were built in the late 1800's. The project has been reviewed and approved by the Historic Preservation Review Board under the conditions it is masonry of matching brick.

Drawings: Enclosed are drawings showing the intent including elevations. Also is a site plan of the block showing the existing buildings and the proposal.

The Historic Preservation Review Board approved the garage thru a hearing held April 24, 2003. The garage was approved using brick to match the house and maintain the existing character.

3. **Zoning Regulations Intent:**

The garage would not be inconsistent with the general intent and purpose of the zoning Regulations and map, because it would improve the appearance of the property, insure security, and restore some of the beautiful original architectural design of the site which is a part of the Historical Preservation Intent.

Respectfully Submitted

Deborah Miles