GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: July 6, 2004

SUBJECT: BZA Application 17190 – Rigby Accessory Garage Addition
1816 Belmont Road, N.W. (Square 2552, Lot 36)

APPLICATION

The application by Katharine P. Rigby request pursuant to 11 DCMR §3104 a special exception to allow the addition of an accessory garage under Section 223, for a residence not meeting the lot occupancy and FAR requirements and to Section 3101.2, a variance from Section 2300.2(b), not meeting the 12-foot back from the center of the alley in the R-5-B district.

SUMMARY RECOMMENDATION

The Office of Planning (OP) does not believe that the special exception request is required because it is a detached garage. However, if the Board concludes that it is required then OP **recommends approval** with the condition that the garage be sized to comply with the required 12-feet setback. The applicant has not met the burden of proof by demonstrating the property is unique and affects the applicants ability to meet the required alley setback. The Office of Planning therefore **does not recommend approval** of the variance request.

SITE AND AREA DESCRIPTION

The subject property is located at 1816 Belmont Road, N.W, Square 22552, Lot 36, (Attachment 1). To the north of the site across Belmont Road is a mixture of residential row houses, apartment buildings and commercial uses in the R-5-D and C-2-B districts; to the east is a mixture of apartments and row houses in the R-5-B district with commercial uses in the C-2-B district; to the south and west is a mixture of row houses and apartment building in the R-5-B and R-5-D districts fronting on Kalorama Road and Columbia Road. The subject property is currently developed with a three-story, row dwelling. Some of the other dwellings within the block have accessory garages in their yard.

BZA
Case No. 17190
Exhibit No. 27

Board of Zoning Adjustment
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CASE NO. 17190
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PROJECT DESCRIPTION

The applicant is proposing to construct an accessory garage on the rear portion of the property. The applicant proposes to excavate the southern portion of the site to be level with the alley and the northern end of the garage 7-inches below the main level of the existing building making it a subterranean structure. The roof of the garage will have a roof garden and a perimeter fence. The applicant is proposing to place the garage 1-foot 11 inches from the edge of the alley instead of the required 12-feet.

ANALYSIS

Special Exception

The referral from the Department of Consumer and Regulatory Affairs (DCRA) recommends that a special exception review under Section 223.1 is required. However, OP disagrees with this recommendation since the proposed garage will be detached and Section 223 is specifically for "addition" to a structure. The proposed garage will also be below the main level of the existing structure and therefore the lot occupancy and FAR will not be increased since the building will be subterranean.

If the Board believes that a special exception is required then OP believes that the light and air to adjacent properties will not be unduly affected and will not affect the use and enjoyment of adjacent properties. Further, the addition and the existing building will not be viewed from Belmont Road and will be similarly located as other garages along the alley.

Variances

The applicant has request variance relief from the requirements of Section 2300.2(b) that requires garages abutting an alley be setback at least 12-feet from the center of the alley. There is an 8-foot grade difference between the subject property and the neighbor to the west. The adjacent property is built-up and has a garage that acts as a retaining wall along the property line. The applicant has stated that there are a number of properties with garages that are not setback the required 12-feet from the alley. However, from a site visit it seems that most of the garages were built prior to the current Zoning Regulations (1820's) and are therefore non-conforming structures. It should be noted that there are a number of properties with parking pads. The applicant has also stated that her neighbor is proposing to place a fence on top of her garage and it could affect her light and air. OP is unable to assess this situation, as currently there is no fence on the garage. However, even with a fence on the west side of the property the property the east will be lower and therefore the rear yard should receive adequate light and air. The applicant could meet the required setback if the length of the garage was reduced by a mere three feet-one inch (3'1") in combination with the proposed one foot eleven inches (1' 11") setback, the garage would met the 12-foot requirement and the garage would still accommodate a car.

The following demonstrates how these variance requirements are met:

> **The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;**

The subject property is long and narrow but there are other properties on the block that have similar shape. The length and width of the property does not prevent the applicant from building the proposed garage with the required setback. OP does not believe the fact that other garages along the alley do not meet the setback requirements or the fact that the applicant desires to have a larger back yard makes the property unique.

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

The applicant has not established that the property is unique or that there is practical difficulty. To the contrary the submitted plans show that a slightly shorter garage (22' versus 25') could easily meet the required setback from the alley.

> **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

Because the garage can be built to meet the required setback and the setback is intended to provide safe and sufficient space for vehicles OP concludes that granting the requested variance would impair the purpose of the zone plan.

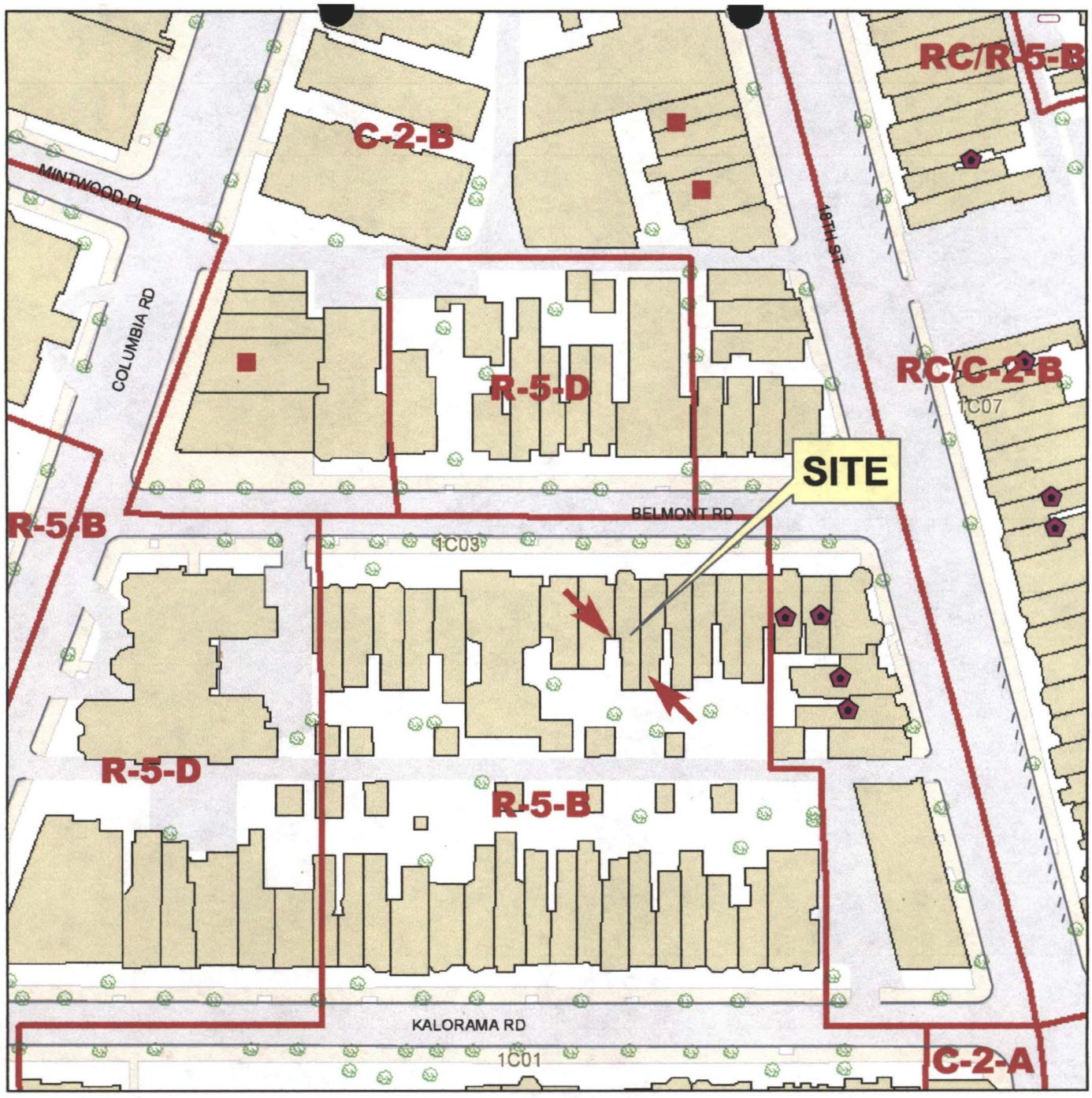
COMMUNITY COMMENTS

The applicant informed OP that the ANC-1C recommended approval of the requested special exception and variance request at its regularly held meeting on April 7, 2004.

CONCLUSION

As stated above, OP does not believe that the special exception request is required. However, if the Board believes that it is required then OP recommends approval as the applicant meets the requirement of Section 223.1 with the condition that the garage be sized to comply with the required 12-feet setback. Regarding the variance request for a deviation from the required setback form the alley, as the applicant has not demonstrated uniqueness to the property that would not allow the garage to be setback from the alley as required, the Office of Planning **does not recommend** approval of the variance request.

AA/mbr



Zoning and Land Use
1816 Belmont Road, N.W.
BZA 17190

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Feet

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★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ June 17, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Land Use Legend

- Single-Family Detached
- Single-Family Semi-Detached
- Store
- Office
- Bank
- Motor Vehicle Sales and Service
- Light Industrial
- Warehouse
- Educational
- Public Service
- Vacant
- Vacant w/Commercial Improvements



Note: Land Use Info based on OTR records.

Attachment 1