BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: **Application of Nathan and Sharon Bovelle**

BZA Application No. 17371

Public Hearing
ANC 4A02

STATEMENT OF THE APPLICANT

I.

Nature of Relief Sought

This is an application pursuant to Section 3104.1 of the Zoning Regulations for special exception relief under Section 223.1 to permit construction of an accessory garage that does not meet the rear yard requirements for a dwelling in the R-1-B zone at premises known as 1470 Roxanna Road, NW the (Subject Property). No variance relief is requested.

II.

Jurisdiction

The Board has jurisdiction to grant the relief requested pursuant to Section 3104 of the Zoning Regulations of the District of Columbia.

III.

Background

A. Project History and Basis for Request.

The applicants purchased the property on May 19, 2005. They immediately contracted to modify the small house to better fit their needs as a family. They submitted a building permit application to modernize the existing premises, add additional living space, and construct an attached two-car garage to protect their two vehicles. They were advised that on a corner lot, the owner could designate which street to use as the front, regardless of the address, for the purpose of determining compliance with zoning open space requirements.

They learned that the existing house (see exhibit A) would be considered nonconforming if they chose Roxanna Road as the building front. They also learned that, because the building could not extend across the building restriction line, the proposed addition would have to be scaled down by 10 ft. to provide a 25-foot rear yard for the new construction to avoid extending

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the existing nonconformity. They chose Northgate Road as the building front to allow full construction of the new living space.

This choice created a new problem, because the 15 ft. building restriction line also runs along Northgate Road. They would have to eliminate the garage or reduce its size by 15 ft. to provide a 25 ft. rear yard parallel with Northgate Road. The resulting structure would have been only 7.66 ft. This would not be enough space to accommodate even one vehicle.

They decided to eliminate the garage from the instant proposal to allow matter-of-right expansion of the living space. Since both of their vehicles had been vandalized on at least two occasions during the short time that they had resided at the premises, they decided to seek zoning relief to allow construction of the two-car garage on a separate permit.

B. Description of Subject Property

The subject property is known as lot 11 in Square 2768. It is a corner lot located at the Southwest intersection of Roxanna Road NW and Northgate Road NW. The lot extends 64 ft. along Northgate Road and 100 ft. along Roxanna Road, resulting in a total land area of, 6,400 sq. ft. Although the lot exceeds the minimum lot area for a dwelling in the R-1-B zone, there is a 15-foot building restriction line imposed along both streets effectively reducing the buildable lot size to 49 ft. x 85 ft. or 4,165 sq. ft.

There is a 16 ft. alley adjacent to the property that runs parallel with Northgate Road with an entrance from the east on Roxanna Road and west from Primrose Road. The alley may also be accessed from the south through an intersecting alley beginning at Newell Street.

The property is improved with a two-story detached single-family dwelling. A row of evergreen trees is planted along the south side of the property as a buffer from the alley.

C. Description of Surrounding Area

The subject property is located in the Shepherd Park neighborhood of NW Washington DC. It is in Ward 4 and is represented by SMD 4A02. All of the properties within a 200 ft. radius are zoned R-1-B and used for detached single-family dwellings consistent with the zoning.

D. Current Use of the Site

The site is improved with a two story detached single-family dwelling. The use of the property will not change.

E. Description of the Proposal

The applicant proposes to construct a one-story two-car garage addition to the existing house. Pedestrian access will be through the interior of the house. Vehicular access will be provided through a 10 ft. driveway from the existing 16 ft. alley.

F. Evaluation of Potential Impact

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

The entrance to the garage is 25 ft. away from the adjacent property line and would therefore have no impact on light, air, privacy or use and enjoyment of the neighboring property.

The nonconforming rear yard abuts an alley. There is a row of evergreen trees along the rear property line that screens the garage from the alley and nearby properties across the alley.

223.2(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

There is only one neighboring property. The garage will have no impact on the privacy of use or enjoyment to the adjacent property.

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 subject street frontage

The garage is attached to the principal structure with no windows on the Roxanna Road side. The design is visually consistent with the design of the main structure and appears as no more than an extension of the house.

The same applies to the Northgate Street side of the house except that there are windows to provide light and ventilation.

It is not anticipated that there will be any adverse impact on the adjacent neighbor or any other nearby properties.

IV

Points in Support of Application

The applicant offers the following exhibits in support of the requested relief:

Exhibit A:
Exhibit B:

The Application Complies with the Provisions of 11DCMR Section 3104.1 and Other Applicable Provisions of the Zoning Regulations of the District of Columbia

A special exception is a use that is pre-deemed compatible with other uses in the same zoning district. The Board's discretion in reviewing an application for a special exception is

limited to a determination of whether the Applicant has complied with the enumerated requirements for special exception relief. If the Applicant meets its burden, the Board ordinarily must grant the application.