

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: November 24, 2021

SUBJECT: BZA Case 20574 (237 8th Street, SE) to permit a new garage in an accessory building located in the rear of a property with an existing single household row dwelling.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Lot Occupancy, Subtitle E § 304.1, pursuant to Subtitle E § 5201.1 (60 percent maximum permitted; 55.9 percent existing; 69.9 percent proposed).

The applicant originally requested lot occupancy variance relief, but subsequently amended the proposal to be below the special exception threshold.

II. LOCATION AND SITE DESCRIPTION

Address	237 8 th Street, SE
Applicant	Bonnie Guo and Michael Consilvio
Legal Description	Square 900, Lot 810
Ward, ANC	Ward 6 / ANC 6B
Zone	RF-1
Historic District	Capitol Hill Historic District
Lot Characteristics	Rectangular interior lot measuring 17 ft. by 119 ft. The lot is bounded by 8th Street, SE to the east, a public alley to the west, and residential buildings to the north and south.
Existing Development	Single household row dwelling.
Adjacent Properties	Residential row houses.
Surrounding Neighborhood Character	Residential row houses, apartment houses, and commercial buildings.
Proposed Development	The applicant proposes to construct a new one-story detached garage in a new accessory building located in the rear of the subject property.



III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width E § 202.1	18 ft.	17 ft.	No change	None required
Lot Area E § 202.1	1,800 sq. ft.	2,023 sq. ft.	No change	None required
Height E § 5002.1	22 ft. max/ 2 stories	N.A.	10 ft. 7 in./ 1 story	None required
Lot Occupancy E § 304.1	60% max.	55.9%	69.9%	Special Exception Relief
Rear Yard E § 5004.1	Accessory buildings shall be set back 7.5 ft. from the centerline of an alley	N.A.	7.5 ft.	None required
Side Yard E § 5005	Side yards are not required for accessory buildings	N/A	N/A	None required
Parking C § 701.5	1 space per principal dwelling unit	1 space	No change	None required

IV. OFFICE OF PLANNING ANALYSIS

Subtitle E § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.2 For a new or enlarged accessory structure to a residential building with one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) **Lot occupancy** under Subtitle E § 5003 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*

The applicant is requesting special exception relief from the lot occupancy requirements.

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

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

The proposed garage would be 10 feet 7 inches and one-story in height, which is under the maximum permitted height of 22 feet and two-stories permitted by the zone for accessory

buildings. It would abut one-story garages located on the properties to the north (235 8th Street, SE) and south (239 8th Street, SE). In addition, the proposed garage would be set back approximately 30 feet from the principal building located on the subject property as well as the principal buildings located on the adjoining properties to the north and south. The proposed garage would be separated from the properties to the west by a 10-foot public alley. Any new shadows should be minimal and not unduly affect neighboring properties.

Given the proposed height and building area of the proposed garage, the provision of air available to neighboring properties should not be unduly affected.

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

Privacy and enjoyment of neighboring properties should not be unduly compromised as the proposed garage would not have any windows facing the neighboring properties to the north (235 8th Street, SE) and south (239 8th Street, SE). The proposed garage would be separated from the properties to the west by a 10-foot public alley and is also proposed to be set back seven and one-half feet from the centerline of the public alley.

(b) The proposed addition or accessory structure, together with the original building, or the new principal 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 or alley frontage; and

The proposed garage would not be visible from the street and should not substantially visually intrude upon the character, scale, and pattern of houses along the alley frontage. The proposed height, scale, and design as viewed from the alley are in keeping with the intent of the Zoning Regulations and the other existing accessory buildings containing garages along the alley.

(c) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

The applicant submitted a survey, architectural plans, and photographs to illustrate the proposed garage.

5201.5 The Board of Zoning Adjustment 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.

No special treatment of the front vestibule is recommended.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.

The number of stories and total height proposed would be conforming.

V. OTHER DISTRICT AGENCIES

To date, no comments from other district agencies had been filed to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

To date, no comments from the ANC had been filed to the record.

VII. COMMUNITY COMMENTS TO DATE

At Exhibit 32 is a letter in opposition based on the proposal's original filing as an area variance.

Location Map

