

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

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Memorandum

TO: District of Columbia Zoning Commission

FROM: *HSFV*
Harriet Tregoning, Director
Office of Planning

DATE: May 4, 2007

SUBJECT: Preliminary Report and Pre-Hearing Statement – Zoning Commission Case 07-15
Proposed Text Amendment to Expand § 223 to Include Garages on Single Family Home
lots in the R Districts

ZONING COMMISSION
District of Columbia

CASE NO. 07-15
EXHIBIT NO. 1

This report serves as the Prehearing Filing required by 11 DCMR § 3013 as a prerequisite to the advertisement of this proposed text amendment.

PROPOSAL

The Office of Planning (OP) proposes a text amendment to the Zoning Regulations to allow detached garages to be approved within the scope of Section 223 of 11 DCMR.

RECOMMENDATION

The Office of Planning proposes the text amendment to expand the intent of the section and allow for the construction of detached private garages subject to the limitations of the existing Section 223. **The Office of Planning recommends that the Zoning Commission setdown for public hearing the proposed zoning text amendment to 11 DCMR, Section 223.**

ANALYSIS

As written, Section 223, allows additions to certain existing, non-conforming one family dwellings and flats in the R districts. The existing language does not allow for the construction of detached garages or other structures on the same lot, even when the other restrictions of the section would be met. A private garage is defined in the regulations as “a building or other structure, or part of a building or other structure, not exceeding nine hundred square feet (900 sf) in area, used for the parking of one (1) or more motor vehicles and having no repair or service facilities.”

Since the existing language would allow for attached garages, and in fact would encourage attached garages where detached may be more appropriate, OP sees the benefit to expanding the scope of this section to include detached garages as long as the same standards, including lot occupancy, are met. OP believes that this amendment would further the usefulness of this section to city homeowners. OP has

noticed many cases where a property owner has had to request a variance for a detached garage that would not otherwise have negative effects, but could not meet the technical requirements for variance approval.

PROPOSAL

The following text amendment is recommended:

223 Additions to One-Family Dwellings or Flats (R-1)

223.1 A one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted the following construction as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

(a) An addition to such one-family dwelling or flat,

(b) A detached private garage on the same lot as such one-family dwelling or flat.

223.2 The addition or detached garage shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

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

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

(c) The addition or detached garage, 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; and

(d) 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 detached garage to adjacent buildings and views from public ways.

223.3 The lot occupancy of the dwelling or flat, together with the addition or detached garage, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

223.5 This section may not be used to permit the introduction or expansion of a non-conforming use.

RECOMMENDATION

This amendment of the zoning ordinance language will not negatively impact the intent or integrity of the Zoning Ordinance as a whole. OP supports this amendment and recommends that it be setdown for a public hearing.