

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: December 20, 2017
SUBJECT: BZA Case 19628 - request for special exception relief pursuant to Subtitle E § 5201.1 to allow an existing garage that does not comply with the 12-foot setback from the alley centerline in the RF-1 zone.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5007 to permit a detached garage not meeting the alley centerline requirement as follows:

- E § 5004.1 (12-foot setback from alley centerline required, 7.5 existing; 7.5 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1829 L Street NE
Applicant	Timothy Adler
Legal Description	Square 4474 Lot 0117
Ward / ANC	5/ANC 5D 05
Zone	RF-1
Lot Characteristics	The 1,857 square-foot lot is narrow and long and is elevated at the front, sloping from the front to the rear. The rear yard is uneven, with the east lot line is shorter than the western lot line (See map below).
Existing Development	The property is developed with a two-story brick row home with an accessory garage structure.
Adjacent Properties	Abutting properties fronting L Street NE are within the RF-1 zone. At the rear, the zone line runs through the alley and separates the RF-1 lots from the RA-2 zoned lots, which are developed with garden apartment buildings, fronting on Maryland Avenue to the south and 18 th Street to the east. (See map below).
Surrounding Neighborhood Character:	The neighborhood is a mix of small row dwellings and small brick garden apartment buildings.

Proposed Development:	The applicant wishes to permit the continued existence of a detached garage (accessory structure) that does not meet the required setback from the alley centerline.
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Location and Zoning Map

III. ZONING REQUIREMENTS and RELIEF REQUESTED (Accessory Building)

RF-1 Zone E § 5001	Regulation	Existing	Proposed ¹	Relief
Height (ft.) E § 5002	20 ft. max.	8.6 ft.	8.6 ft.	None required
Lot Occupancy E § 5003	450 sf.	296 sf.	296 sf.	None required
Rear Yard (ft.) E § 5004	12 ft. from alley centerline	7.5 ft.	7.5 ft.	S.E Relief required per E § 5007.1
Side Yard (ft.) E § 5005	No min. required	None	none	None required

¹Information provided by applicant.

IV. BACKGROUND and ANALYSIS

Based on the property's most recent permit history, a permit was issued to the applicant in May 2017 to permit construction of a rear addition to the existing 2-story, single-family home. Subsequently, DCRA's site visit revealed that a recently built existing accessory structure on the property does not satisfy the required setback from the alley centerline, per E § 5004.1. Relief from this provision is permitted special exception, pursuant to Subtitle E § 5007.1, which references the review criteria of E § 5201.

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant is requesting relief from a setback requirement of Subtitle E § 5004.1.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The accessory garage would qualify as an accessory structure to the main two-story brick residence.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect 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;*

Neither the garage's height at 8.6 feet nor its location within the rear yard currently causes undue effects to the light and air of abutting properties at #1827 or #1831 L

St NE. The 296 square feet accessory garage structure satisfies the area and other yard requirements for accessory structures as a matter-of-right in the RF-1 zone. The rear yard of the overall property is noted as 48 feet, which is more than twice the required 20 feet. As such, the garage as built and sited should not cause an undue impact on light or air to neighboring property owners.

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

The garage structure does not have windows that would affect privacy of adjoining properties. The sidewalls of the garage function as privacy fencing to both adjacent properties.

- (c) The addition or accessory structure, 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 location of the garage, not meeting the distance from the alley's centerline by 3.5 feet, does not affect the alley's function. While the garage's west elevation might seem to abut the alley's edge, the east elevation is set back from the centerline more than 7.5 feet due to the alley's slanted orientation (See Submitted photo- [Exhibit.8](#)). The garage does not visually intrude on the character, scale and pattern of houses along the street frontage or as viewed from the alley, and would not negatively impact the functioning of the alley, particularly since this is a relatively wide alley at 15 feet, and there are other properties with garages or fences along the rear lot line.

- (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 accessory structure to adjacent buildings and views from public ways; and*

Items are included in the record as [Exhibits 7, 8, and 11](#).

- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The total lot occupancy of the site is noted in the records as 55%, which is below the permitted maximum matter-of-right at 60%. Therefore, no approval under the special exception process is required for the site's lot occupancy.

5201.4 *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.*

OP does not suggest special treatment to protect nearby properties.

5201.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The accessory garage structure is a conforming use in this zone.

5201.6 *This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

No nonconformity is introduced or expanded due to the accessory/garage structure.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from District agencies were not noted in the record at the time of writing of this report.

VI. COMMUNITY COMMENTS

[Exhibit 12](#) is a letter with signatures of the ANC 5D Commissioners in support of the retention of the garage structure as built.