

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director for Development Review

DATE: May 4, 2018

SUBJECT: BZA #19747 – 445 15th Street, SE – Request for Variance and Special Exception relief to permit an existing garage.

I. RECOMMENDATION

Deborah Van Buskirk, applicant, requests variance and special exception approval for a garage that was constructed without permits at 4465 15th Street, SE in the RF-1 zone. The Office of Planning (OP) recommendation is as follows:

Denial - Variance pursuant to Subtitle X, § 1000.1

- Subtitle E § 304.1, Lot occupancy, (60% allowed, 70% SE, 85% proposed)

If the Board finds that the applicant has provided adequate justification for the variance request, then OP recommends:

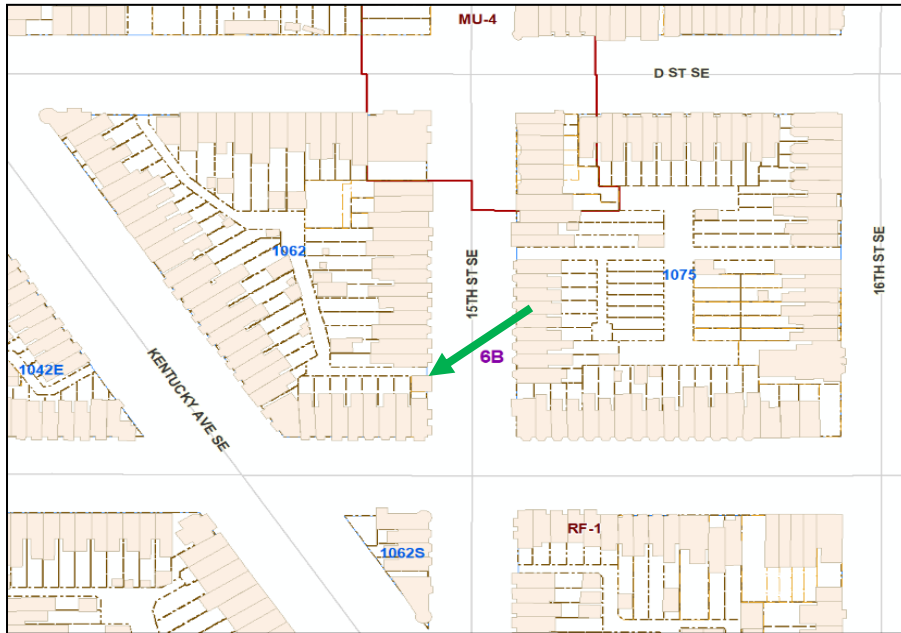
Approval - Special Exception pursuant to Subtitle E, § 5007.1 and Subtitle E, § 5201.1

- Subtitle E § 5004.1, Setback from alley centerline (12 ft. minimum required, 0 ft. proposed)
- Subtitle E § 5004.2(b), Accessory Building Area, (100 sq. ft. maximum allowed, 256 sq. ft. proposed)

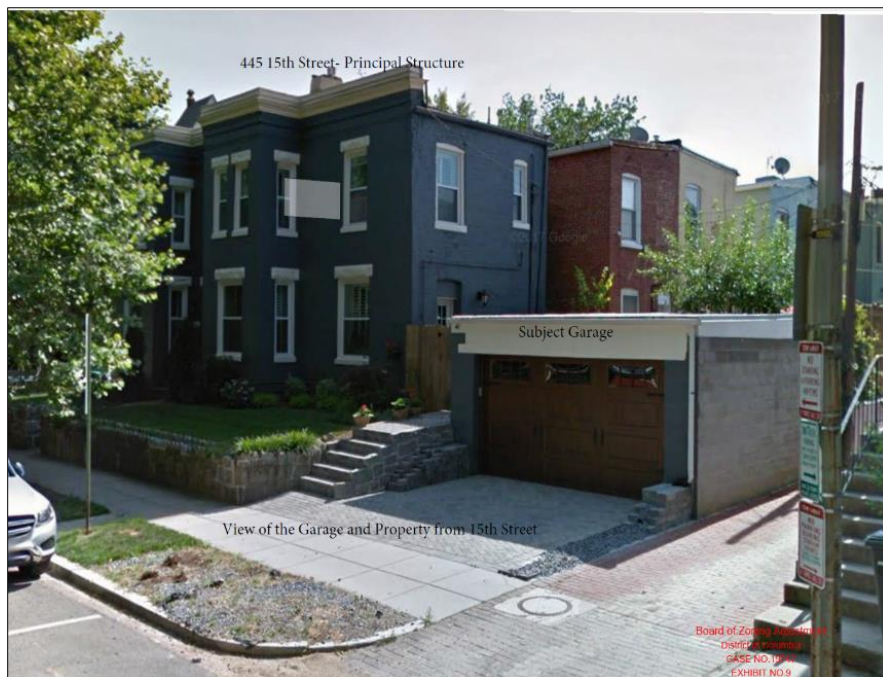
II. LOCATION AND SITE DESCRIPTION

Address	445 15 th Street, NW
Legal Description	Square 1062, Lot 52
Ward / ANC	6, 6B
Zone	RF-1
Historic District or Resource	None
Lot Characteristics	A 1,120-square lot at the intersection of 15 th and E Street, SE, which abuts a 8-foot wide alley.

Existing Development	Two-story, one-family house with a garage that currently does not have a curb cut to access the garage
Adjacent Properties and Neighborhood Character	The adjacent properties and the surrounding neighborhood are predominantly two-story rowhouses.
Proposal	Permit a garage (accessory structure) that is already constructed and does not meet the lot occupancy, area of the accessory building or alley centerline setback requirements.



Site Location



Proposed Garage

Zoning Requirements and Relief Requested:

RF-1 Zone	Regulation	Existing*	Proposed*	Relief
Lot Width E § 201.1	18 ft.	16 ft.	No change	Conforming
Lot Area E § 201.1	1,800 sf.	1,120 sf.	No change	Conforming
Height of Accessory Bldg. E § 5004.2(a)	10 ft. 1 story	10 ft. 1-story	No change	Conforming
Lot Occupancy E § 304.1	60%	85%	No change	Variance
Rear Yard [Accessory Bldg.] E § 5004.3	12 ft. from alley centerline	0 ft. from alley centerline	No change	Special Exception
Maximum Area for Accessory Bldg. E § 5004.2(b)	100 sf.	256 sf.	No change	Special Exception

* Information provided by Applicant.

III. ANALYSIS

Variance

To be granted a variance, the applicant must demonstrate that the application meets the three-part test of Subtitle X § 1000.1

(a) Exceptional Situation Resulting in an Exceptional Situation

The applicant states that the exceptional situation is that they purchased the property without knowing that the garage was constructed without a permit. However, they have not provided any information or demonstrated how the property exhibits an exceptional situation resulting in a practical difficulty pertaining to the lot occupancy relief. The lot is rectangular, similar in size to other lots, and developed with a house similar in size to others in the square.

(b) No Substantial Detriment to the Public Good

The garage fronts on 15th Street although there is no curb cut. The applicant has undergone review with DDOT’s Public Space and was granted conditional approval for a curb cut at the corner of 15th Street and the alley to access the garage provided the applicant can obtain a building permit for the garage (Attachment 1). The proposed garage would not substantially affect vehicular or pedestrian movements along the alley or impact the public good.

(c) No Substantial Harm to the Zoning Regulations

The lot occupancy regulations are intended to regulate the bulk and coverage of lots and the proposed lot occupancy significantly exceeds that allowed by special exception. The applicant has

not demonstrated how the standards for the variance relief are met and thereby not causing harm to the Zoning Regulations.

Special Exception

SUBTITLE, § 5007.1 - SPECIAL EXCEPTION

5007.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E §§ 5201.

SUBTITLE E § 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:

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

The applicant seeks a special exception for alley centerline setback and for the size of the accessory structure in a rear yard.

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

- (a) An addition to a building with only one (1) principal dwelling unit; or*
- (b) A new or enlarged accessory structure that is accessory to such a building.*

The subject of the application is an accessory structure (a garage) to a single-family row dwelling.

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;*

The structure has a height of ten feet and would not cast any shadows on 15th Street. The shadows on the alley would be minimal and would not darken the alley and affect traffic or pedestrian movements. The garage would not negatively impact the house across the alley as it has no windows on the side adjacent to the alley.

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

The garage opening is along 15th Street. Along the alley, neither the garage nor the house across the alley have windows on facing facades and therefore the garage would not affect the privacy of the neighboring properties. The owner of that house has submitted a letter of support (Exhibit 32).

- (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 house with an accessory garage is similar to others in the square. Although the garage occupies a larger lot occupancy that allowed, it has a height of 10-feet which is shorter than the other buildings fronting on 15th Street and sits on the property line similar to other end units along the street, so does not intrude on the character, scale and pattern of houses along the street.

- (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*

The application includes plans and photographs to represent the existing shed and its surroundings.

- (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 addition of the garage increases the lot occupancy to 85%. The applicant has requested a variance from the requirement.

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 recommends no special treatments.

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

The applicant does not propose a nonconforming use.

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.*

The height of the garage would be 10-feet and be conforming.

IV. COMMENTS OF OTHER DISTRICT AGENCIES

The Department of Transportation (DDOT) will submit a report under separate cover.

V. COMMUNITY COMMENTS

The property is within ANC 6B. The applicant states that the ANC voted to support the requested relief at its meeting on April 10, 2018. At the time of this report, the ANC had not submitted its report. The record includes two letters of support for the proposal from adjacent neighbors (Exhibits 31 and 32), and a letter in opposition from the Capitol Hill Restoration Society (Exhibit 30).

ATTACHMENT 1

Proposed access to the Garage

