MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: July 11, 2011

SUBJECT: OP Supplemental Submission: BZA Application #18218 – 1426 K Street S.E.

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the revised application for a one-story detached garage requiring special exception relief under § 223 for non-conforming lot occupancy (§ 403) and area variance relief for a substandard alley setback (§ 2300.2).

II. BACKGROUND & REVISED PROPOSAL

At the June 14, 2011 hearing, the Board expressed reservations regarding the Applicant's satisfaction of the variance test for relief from the lot occupancy standard. Similarly, OP could not recommend approval of the original application due to the high proposed lot occupancy (as seen in the OP report dated June 7, 2011). At the time, the application proposed a lot occupancy of approximately 75% in a zone that permits a maximum of 60% (70% by special exception). OP expressed no concerns with the application's limited relief request from rear yard (§ 404, ~1' deficient) and alley setback (§ 2300.2, 2.4' deficient).

Pursuant to feedback provided by the Board at its June 14th hearing on the application, the Applicant has submitted revised plans. The latest version continues to propose a one-story detached garage measuring 15' width by 19' depth which would be set back 9.6' from the alley centerline. However, the submission proposes to remove the dwelling's existing second-story deck and introduces a new trellis feature. The Applicant does not anticipate that the trellis would count toward the site's lot occupancy computation, a determination which would be examined by the Department of Consumer and Regulatory Affairs (DCRA) at the time of permit review. Assuming the accuracy of the Applicant's calculations, the latest proposal reduces the lot occupancy from the originally proposed 75% to 69%. The lot occupancy reduction changes the needed relief from an area variance to special exception. Additionally, the revised submission eliminates the requirement for rear yard relief. Moreover, the proposal now requests special exception relief under § 223 for non-conforming lot occupancy (§ 403) and area variance relief for a deficient alley setback (§ 2300.2), as illustrated below:

R-4 Zone	Regulation	Existing	Proposed[1]	Relief
Lot occupancy (percentage) § 403	60% max. 70% by special exception	~ 55%	69%	Relief needed: the lot occupancy would be 128 square feet excessive
Setback from alley centerline (ft.) § 2300.2	12' min.	-	9.6'	Relief needed: the garage would be set back 2.4' less than required
Rear yard (ft.) § 404	20' min.	44.5'	44.5' Required rear yard >20'	No relief needed

III. OP ANALYSIS:

The special exception relief pursuant to § 223 and area variance relief pursuant to § 2300.2 are analyzed below:

Special Exception: § 223

§ 223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted,

[1] Information provided by Applicant.

or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The Applicant is requesting special exception relief under § 223 for a one-story rear detached garage which would not comply with the lot occupancy (§ 403) limitation. The Property also has existing non-conformities with regard to substandard lot width and lot area, but neither condition would change under the proposal.

§ 223.2 The addition or accessory structure 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.

The light and air available to neighboring properties should not be unduly affected by the proposal. The garage would be approximately 11' in height and should have minimal impact on neighbors. In fact, both adjacent neighbors signed letters of support prior to the June 14th hearing.

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

The garage should not cause an undue impact to the privacy of use and enjoyment of neighboring properties because of the garage's restrained one-story height, lack of windows, and existing fencing along the property line. Additionally, there are already several garages located along the subject alley network.

(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 garage would only be visible from the rear alley. It should not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.

(d) In demonstrating compliance with (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 view from public ways.

The Applicant has provided photos, elevation drawings, and a site plan showing the relationship of the garage to adjacent buildings and views from public ways.

Area Variance: § 2300.2
OP reiterates its previous determination that the application satisfies the variance test for the alley setback relief.

IV. ANC/COMMUNITY COMMENTS

Prior to the June 14th hearing, ANC 6B voted in support of the proposal and three adjacent neighbors signed letters of support. The Capitol Hill Restoration Society (CHRS) zoning subcommittee opposed the original application.

The Applicant's July 1, 2011 submission indicates that the Applicant would return to ANC 6B's Planning and Zoning subcommittee on July 5, 2011 to share the revised plans. The Applicant subsequently has

informed OP that the ANC was supportive of the revisions. The submission also indicates that the Applicant has updated adjacent neighbors to project revisions.

JLS/pg
Paul Goldstein, case manager