



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director for Development Review & Historical Preservation

DATE: January 26, 2009

SUBJECT: **BZA Case 18030** - Request for special exception relief at 4619 5th Street NW

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this request for § 223 relief to increase the allowable lot occupancy from 60% to 66% for a proposed accessory garage.

II. AREA AND SITE DESCRIPTION

Address:	4619 5 th Street NW
Legal Description:	Square 3249 Lot 0078
Ward:	4C
Lot Characteristics:	A rectangular interior lot, approximately 17.7 x 91 feet in size, with frontage along 15 th Street and the abutting 15-foot wide alley.
Existing Development:	This lot is developed with a two-story one-family row dwelling of masonry construction. A concrete parking pad as wide as the lot is located in the rear yard next to the alley (refer to Figure 1).
Zoning:	R-3 – one-family row dwellings and accessory row dwellings are allowed as a matter of right.
Historic District:	None.
Adjacent Properties:	Surrounding properties are also developed with one-family row dwellings, many with rear garages.
Surrounding Neighborhood Character:	Moderate-density residential development (refer to Exhibit 1).

III. APPLICATION IN BRIEF

Applicant: Kemba Maish, Ph.D.

Proposal: To construct a 13 x 21-foot, 273 square-foot parking garage on the rear parking pad. The proposed garage would be of wood frame construction with asphalt shingles and vinyl siding. It would be 15 feet in height; set back 5 feet from the rear property line and 12.5 feet from the alley centerline; and set back 3 feet from the northern side property boundary. The one window on the eastern façade would face the rear of the dwelling onsite. The entry door would be in the northern façade and vehicles would access the garage from the alley through a vertical door in the eastern façade.



Relief and Zoning: The Zoning Administrator referred this request for Board of Zoning Adjustment Review in a letter dated October 8, 2009. The letter stated this proposal requires special exception relief under § 223 of the Zoning Regulations because the dwelling and garage would exceed the maximum 60% lot occupancy allowed in the R-3 district.

IV. OFFICE OF PLANNING ANALYSIS

Compliance with §§ 223 and 3103.2

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, 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.*

One-family row dwelling and accessory garage uses are permitted as a matter-of-right in the R-3 district. The existing dwelling and proposed accessory garage would exceed the maximum 60% lot occupancy allowed as a matter-of-right under § 403.2.

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 property has an east-west orientation so that shadows from the proposed garage would be cast primarily in a northerly direction. This accessory building would be located near the rear property boundary. Shadows from the proposed structure would fall into the rear yard of the adjacent property to the north, primarily on the neighboring parking pad.

As a result, the air and light to neighboring properties would not be unduly affected.

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

The one window in the exterior garage wall could face the dwelling onsite, so the privacy and enjoyment of neighboring properties would not be unduly compromised.

(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; ...*

Although submitted plans do not include an exterior elevation or a perspective of this accessory building, the proposed construction appears similar to garages on neighboring properties. OP suggested that the applicant consider using hardi-plank siding on the exterior which is a more durable material than the proposed vinyl siding. That applicant agreed and stated that the garage walls would be painted white.

The building materials and scale do not appear out of character with neighboring garages along the alley.

(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.*

Sufficient graphical documentation has been provided. However, in response to an inquiry from OP, the applicant submitted a corrected site plan showing that the proposed garage would be positioned 3 feet from the northern property line instead of

the 4 feet shown on the origin submission. At issue was the fact that the proposed garage width and side yard dimensions on the submitted plan exceeded the lot width shown on the property plat.

- 223.3 *The lot occupancy of all new and existing structures on the lot 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.*

The resulting lot occupancy would not exceed the maximum 70% allowed in the R-3 district under this regulation.

- 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 and nearby properties.*

No special treatment is recommended, other than the use of hardi-plank siding.

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

If approved, the proposed accessory building would not introduce or expand any zoning nonconformity.

Based on this information, this application meets the standards for special exception approval.

V. COMMUNITY COMMENTS

This application was referred to Advisory Neighborhood Commission (ANC) 4C for review and comment. The ANC voted to support this request during its scheduled meeting on November 10, 2009.

VI. CONCLUSION AND RECOMMENDATION

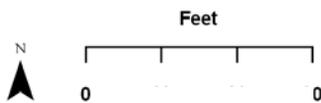
OP recommends **approval** of this request for § 223 relief to increase the allowable lot occupancy from 60% to 66% for a proposed accessory garage.

Arthur Jackson, Case Manager

JS/afj



**BZA Application No. 18030
4619 5th Street NW**



*** Government of the District of Columbia
Adrian M. Fenty, Mayor

Office of Planning ~ December 15, 2008

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LEGEND

- Metro Bus Routes
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