



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: May 29, 2012

SUBJECT: **BZA Case 18357** - request for special exception relief in accordance with §§ 223 and 2300.8 to allow a free-standing carport behind a one-family row dwelling at 2014 Summit Place NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the special exception relief pursuant to § 2300.8 in accordance with §§ 2116.5 through 2116.9 for the free-standing carport, subject to the condition that the existing chain link fence along the south side is replaced with a wooden screen more consistent with the carport framing.

However, OP **cannot support** variance relief from § 403.1 to increase the allowable lot occupancy from 60% to 73%. The application did not sufficiently establish the practical difficulty in this case.

OP notes that the existing lot is also non-conforming with respect to lot area (minimum 1,800 square feet required, 1,608 square feet existing).

II. LOCATION AND SITE DESCRIPTION:

Address:	2014 Summit Place NE
Legal Description:	Square 3535 Lot 0810
Ward:	5C
Lot Characteristics:	A rectangular interior lot with an area of 1,608 square feet (0.04 acre). An alley from Summit Place, that continues along the southern (side) and western (rear) lot boundaries, varies in width from 10 to 15 feet. The parking pad in the rear yard is directly accessible from the adjacent alley and is bordered on two sides by a retaining wall that appears to be 4-feet tall. The lot across the alley is used for vehicle parking (refer to Figure 2).
Zoning:	<i>R-4</i> – one-family row dwellings and attached carports are allowed as a matter of right.
Existing Development:	The property is developed with a one-family row dwelling, three stories in height that is set back 12 feet from the front (eastern) property boundary. Masonry retaining and building walls elevate most of the property above the grade of the adjacent sidewalk and alley (refer to Figure 1). The parking pad immediately west of the retaining wall in the rear yard is at the same grade as the adjacent alley. A freestanding wood-frame carport over the parking pad is open except for a 6-foot tall chain-link fence on the south side.
Historic District:	None



Adjacent Properties:	Row dwellings to the north and east across Summit Place with a two-story retail market across the alley to the south. Some dwellings have rear garages that are accessed from the alley. There are no other carports on this square.
Surrounding Neighborhood Character:	Predominately moderate density residential.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	David E. Perkins, owner of record
Proposal:	The existing dwelling was constructed in 1912, prior to the adoption of Zoning Regulations in the District of Columbia. The applicant recently constructed the existing free standing carport without the proper building permits. When permit plans were submitted for approval by the Department of Consumer and Regulatory Affairs, the Zoning Administrator (ZA) responded in correspondence dated December 12, 2011 that: special exception relief is required in accordance with § 2300.8 to allow this a free-standing carport in the rear yard; and variance relief is required because the carport addition increased the lot occupancy to 73%, 13% more the maximum 60% allowed in the R-4 district under § 403 and 3% more than the 70% permitted by special exception.
Relief Sought:	§§ 2300.8 and 3103.1 – for a free standing carport in the rear yard that is non-conforming for lot occupancy.

IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 2500.4	15 feet, 1 stories	11 feet, 1 stories	SAME	None required
Lot Width (ft.) § 401	18 feet	18 feet	SAME	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft.	1,608 sq. ft.	SAME	-192 sq. ft.
Floor Area Ratio § 401	Unlimited	Unlimited	Unlimited	None Required
Lot Occupancy § 403	60 % max.	73.6%.	73.6 %	+ 13.6%
Rear Yard (ft.) § 404	20 feet min.	42 feet ¹	SAME	None required
Side Yard (ft.) § 405	None required	None required	None required	None required
Court, Open § 406	4 in. / foot, min. 10 ft.	5 feet and less	SAME	None required ²
Parking § 2101.1	1 per dwellings	1 space	1 space	None required

Although the Zoning Regulations do not define a “carport,” the regulations differentiate between a carport and garage. Specifically, § 2300.8 states that a carport “shall be attached to the main building ...” In this case the applicant wants to retain a carport constructed in the rear yard that is not attached

¹ Based on sketch plans and annotated plats submitted by the applicant.

² Although the existing open courts next to the front and rear porches do not have the required minimum width, no relief is required because the carport addition did not alter or extend the existing conditions.

to the dwelling.³ Section 2300.8 also provides for special exception approval in accordance with §§ 2116.5 through 2116.9 to locate a carport onsite that is *not* attached to the main building.

Because this lot is currently non-conforming with regards to land area, OP also believes relief from §§ 2001.3 (b) (2) is required because this accessory structure created a new non-conforming lot characteristic (lot occupancy).

V. OP ANALYSIS

Special exception for a detached carport:

2300.8 A carport shall be attached to the main building and shall not be located along the side of the building that faces a building line except, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a carport may be located subject to the conditions for accessory open parking spaces in §§ 2116.5 through 2116.9. ...

2116.5 Except as provided in § 2117.9, if approved by the Board of Zoning Adjustment pursuant to § 3104 for special exceptions, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling, in accordance with §§ 2116.6 through 2116.9.

Figure 1



The required parking space will continue to be located on the same lot as the row dwelling.

2116.6 The Board shall determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:

- (a) Unusual topography, grades, shape, size, or dimensions of the lot; The grade of the rear yard steps-down from the dwelling level immediately west of the rear yard retaining wall to the parking-pad which is level with the alley.*

As a result, it would be very difficult and expensive to grade and pave the rear yard to create the ramps necessary to drive from the alley up to a carport attached to the existing dwelling. It also appears that the necessary ramp pavement and structure would occupy most of the rear yard.

2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.

The existing parking pad and carport are in a reasonable and convenient location for property residents. The garage of the previous property owner was in the same location. The application indicated the carport was needed to protect the owner's vehicle from animals in the trees overhead and to make it easier to drive off the parking pad in snowy weather.

³ OP notes that if the carport were enclosed, and therefore considered a garage, it would require variance relief from § 2300.2 (b) (a 12-foot setback from the alley centerline is required; approximately an 8-foot setback exists).

2116.9 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

OP recommends that the applicant replace the existing chain link fence with a wooden screen more consistent with the carport framing.

Lot occupancy variance:

- Unique and exceptional conditions resulting in a practical difficulty:

The unique conditions on the subject property are the significant change in grade and retaining walls in the rear yard, and the fact the existing alley cuts off the southwest property corner. The front yard setback is a characteristic shared by the neighboring dwellings along this street frontage. These noted unique characteristics do not present a practical difficulty with respect to the existing carport either individually or collectively.

Without submitting project plans for the appropriate permit review, the contractor was not made aware that the proposed construction would bring the property out-of-conformance with the lot occupancy limits in this zone district. Special exception relief could even have been requested under § 223 to increase the allowable lot occupancy from 60% to 70%. Unfortunately, the required 73.6% exceeds the lot occupancy that could be allowed by special exception so adjustments to the submitted plans would have been required.

Based on the submitted information, the applicant did not establish any unique or exception property condition that presents a practical difficulty for erecting a carport the meets the lot occupancy limit.

- Determent the public good:

The existing carport does not appear to be detrimental to the public good.

- Detriment to the intent, purpose and integrity of the zoning regulations:

The Zoning Regulations are intended to limit the amount of lot occupied by buildings, except as provided for further additions through the § 223 process. The application did not adequately establish a practical difficult associated with an existing property condition

Figure 2 – View of the rear yard looking to the east



or characteristic, the first standard for variance approval. As a result, OP cannot support the required variance relief.

VI. COMMUNITY COMMENTS

On April 17, 2012, Advisory Neighborhood Commission (ANC) 5C voted unanimously to adopt a resolution in support of this application that included a request that the Board of Zoning Adjustment approve the carport as constructed, "... subject to the minimal modifications deemed appropriate to make it acceptable."

The application included letters from several neighbors in support.