

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: October 31, 2012

SUBJECT: BZA Case 18437, Variance Request for 4505 Meade Street, N.E.

I. RECOMMENDATION

The Office of Planning (OP) **recommends denial** of the area variance request for relief from the setback requirements of § 2300.2 (b) for partially framed-out garage at 4505 Meade St., NE.

- § 2300.2 (b) accessory structure setback from centerline of alley (12 foot minimum required; 10 feet, six inches proposed).

See Section III for pertinent background information.

II. SITE LOCATION AND CHARACTERISTICS

The site is located in northeast Washington just east of the Kenilworth freeway, near the District line.

Applicant: Lawrence and Mozella Palmer		Legal Description: Square 5188, Consolidation of Lots 88 and 89	
Address: 4505 Meade St., NE		Ward: 7	ANC: 7D
Zoning: R-2		Historic Preservation: none	
Property Features	Flat lot, 50 feet wide and 100 feet deep with frontage on Meade Street, NE in front and on a fifteen foot alley in the rear. Lot occupied by single family house, a partially constructed garage and a portion of a shed constructed across property lines. The partially constructed garage replaces a smaller garage that was demolished before June 2012.		
Adjacent Properties	Single family detached houses.		
Neighborhood Character	Single family detached houses.		

The illustrations on page 4 provide additional information about the site’s location and conditions.

III. APPLICATION-IN-BRIEF AND BACKGROUND

The applicant requests relief to finish construction of a garage that is 1.5 feet closer to the centerline of the alley than is permitted by § 2300.2 (b)'s 12-foot minimum setback requirement.

The applicant had constructed, by his estimation, approximately 60% of the work on a 25 foot wide by 24 foot deep garage when the Department of Consumer and Regulatory Affairs (DCRA) informed the applicant that both a building permit and zoning relief for the insufficient rear setback would be needed. After meeting with OP, the applicant consolidated two lots to rectify the garage's having been constructed on separate lots.

OP's research indicates that "... ideally a standard size for [a garage for] two large SUVs would have to be 22 feet wide and 22 feet deep."¹ OP suggested that the applicant request a postponement in the hearing to enable the applicant to remove 1.5 feet from the alley end of the garage framework's 24-foot depth, which would result in a 25 five foot wide and 22.5 foot deep garage. A structure of that size would be compliant with § 2300.2 (b) and would still provide room to park two large vehicles;² and the applicant could then withdraw the BZA application.

The applicant had not filed a request for postponement or withdrawal as of October 31, 2012

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

The following table is based on figures provided by the applicant.

	Regulation	Existing	Proposed	Relief
Height § 400.1	40 feet, 3 stories	2 stories plus dormer	Same	None required
Lot Width § 401.3	40 foot minimum	50 ft.	Same	None required
Lot Area § 401.3	4000 square foot minimum	5,000 sf	same	None required
Floor Area Ratio § 402.4	None prescribed	n/a	n/a	None required
Lot Occupancy § 403.1	40 % max. 2000 sf	Not provided	40% 1983 SF	None required
Rear Yard § 404.1	20 feet	Not provided	Same	Appears compliant
Side Yard § 405.9	8 feet on each side	5 ft. and 20 ft.	Same	grandfathered
Court § 406	At least 6 feet.	Not provided for deck	Same	Not known
Rear Setback (for garage § 2300.2 (b))	12 feet from alley centerline	10 ft. 6 inches	same	1 feet 6 inches

¹ *What is the Size of a Standard 2-Car Garage?* By Richard Asmus. Published in DexKnows. <http://dexknows.com>

² The zoning regulations require only one on-site parking space. The applicant wants the garage to accommodate two spaces.

V. ANALYSIS

- 1. Exceptional Situation**
- 2. Resulting in a Practical Difficulty**

The applicant's arguments are posited on the continued existence of the former garage that was demolished prior to June 2012.

The applicant states that the exceptional condition is that "The reason why a new garage is necessary is because the current one is in bad condition and an eyesore to the community".

The practical difficulty is that "More importantly, the current garage does not have the space to park a car in".

OP notes that the former garage has been demolished, and that the now-current garage was approximately 60% complete (by the applicant's estimate for OP) before the applicant filed for a building permit and DCRA referred the proposal to the BZA for relief.

There seems to have been no exceptional condition that would have precluded the applicant's constructing a garage that would have met all zoning requirements and have been able to accommodate at least two vehicles. The applicant has not demonstrated that there would be a practical difficulty in demolishing a 1.5 foot depth of the rear framing of the incomplete structure.

3. No Substantial Detriment to the Public Good

The applicant has addressed this standard indirectly, stating that the two car garage will "alleviate a lack of parking spaces along the street". However, the applicant has not documented a shortage of street parking spaces. The applicant's construction of the majority of the garage without a building permit may pose substantial harm to the public good. The act of granting relief may not discourage future building without a construction permit. However, in OP's estimation, the garage's being 1.5 feet closer to the fifteen foot alley than is required is not likely to pose a substantial detriment to the public.

4. No Substantial Harm to the Zoning Regulations

Without the applicant's demonstrating how the variance test are met, and why the structure could not be brought into conformity, granting the requested relief could pose substantial procedural harm to the zoning regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

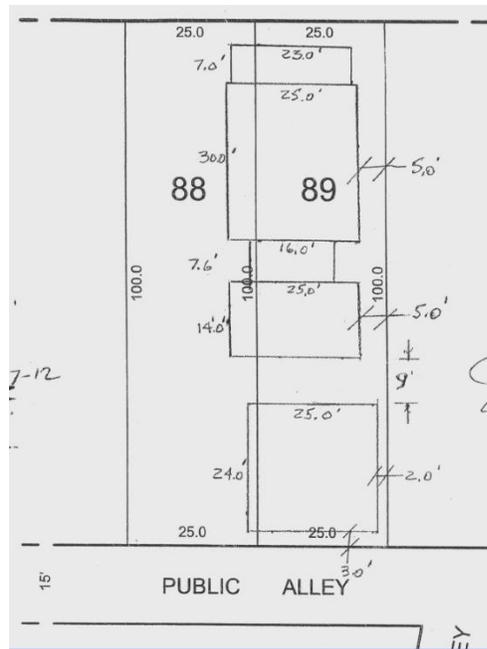
No other agency comments had been filed as of October 31, 2012.

VII. COMMUNITY COMMENTS

No ANC comments or other public comments were on file as of October 31, 2012.



Figures 1 and 2. Site Location and View of partially constructed garage



Figures 3 and 4. Site prior to garage construction and site with garage before lots were consolidated.