

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** October 23, 2012

**SUBJECT:** BZA Case 18458 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing detached garage at 1404 35<sup>th</sup> Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

The applicant has requested the following special exception relief pursuant to § 223:

- § 401, Lot Width (30 feet required, 27 feet existing);
- § 401, Lot Area (3000 square feet required, 1950 square feet existing);
- § 403, Lot Occupancy (40% maximum, 70% by special exception, 65% proposed);
- § 404, Rear Yard (20 feet required, 17.03 feet existing and proposed); and
- §405, Side Yard (8 feet required, 4.7 feet existing and proposed).

The Office of Planning (OP) recommends **approval**, but notes that of the relief requested, the only being increased or altered is lot occupancy.

**II. LOCATION AND SITE DESCRIPTION:**

Address:	1404 35 <sup>th</sup> Street, N.W.
Legal Description:	Square 1247, Lot 0847
Ward:	2
Lot Characteristics:	L-shaped lot with dwelling frontage on 35 <sup>th</sup> Street N.W. and garage frontage on O Street N.W. (refer to location map, Attachment I)
Zoning:	R-3 – one-family detached dwellings, semi-detached dwellings and row dwellings
Existing Development:	Semi-detached dwelling with accessory garage, permitted in this zone
Historic District:	Georgetown Historic District
Adjacent Properties:	Predominantly semi-detached dwellings and row dwellings



**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	W. Adams – Barnes Vanze Architects, Inc.
Proposal:	40 sq. ft. addition to garage
Relief Sought:	§223 - Additions to One-Family Dwellings or Flats

**IV. ZONING REQUIREMENTS**

R-3 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Accessory Building Height (ft.) § 2500	15 ft. max.	8.25 ft.	9.75	None required
Lot Width (ft.) § 401	30 ft. min.	27 ft.	27 ft.	Existing non-conforming
Lot Area (sq.ft.) § 401	3000 sq.ft. min.	1950 sq.ft.	1950 sq.ft.	Existing non-conforming
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	63%	65%	Required
Lot Occupancy for Accessory Structures § 2500	30% max	9%	11%	None required
Rear Yard (ft.) § 404	20 ft. min.	17.03 ft.	17.03 ft.	Existing non-conforming
Side Yard (ft.) § 405	8 ft. min.	4.7 ft.	4.7 ft.	Existing non-conforming

**V. OP ANALYSIS:**

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

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 semi-detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of: §401, Lot Width; §401, Lot Area; §403, Lot Occupancy; §404, Rear Yard; and §405, Side Yard, although only the lot occupancy is impacted by this proposal, increasing from 63 percent to 65 percent.

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 existing garage has frontage on O Street and abuts an existing one-story carport that serves the property to the east. In its current condition, the garage is located 15

<sup>1</sup> Information provided by applicant.

feet behind the property line. The applicant proposes to extend the face of the garage four feet toward the street. This extension would result in the garage having the same setback as the neighboring one-story carport. The existing carport is 8'-4" high and would be replaced by a 9'-2" high structure. Given that the proposed garage would be incrementally larger than the existing structure and the distance between the garage and adjacent dwelling would not be reduced, the light and air available to neighboring properties would not be unduly affected.

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

The extension of the garage would result in the same setback as the carport located to the east, and would not further impede on the one-family dwelling located to the west. As a result, the privacy of use and enjoyment of neighboring properties should 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; and*

Although visible from O Street, the applicant submitted drawings illustrating that the garage elevations would be improved to match the style of the one-family dwelling. The elevations have been approved by the Old Georgetown Board and U.S. Commission of Fine Arts. As a result, the structure would not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

- (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.*

The applicant has provided drawings, including site plan and elevations, and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways.

- 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 proposed lot occupancy is 65.5 percent, which is less than the maximum of 70 percent permitted within the R-3 District with a special exception.

- 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.*

The Office of Planning has no recommendations for special treatments for this application.

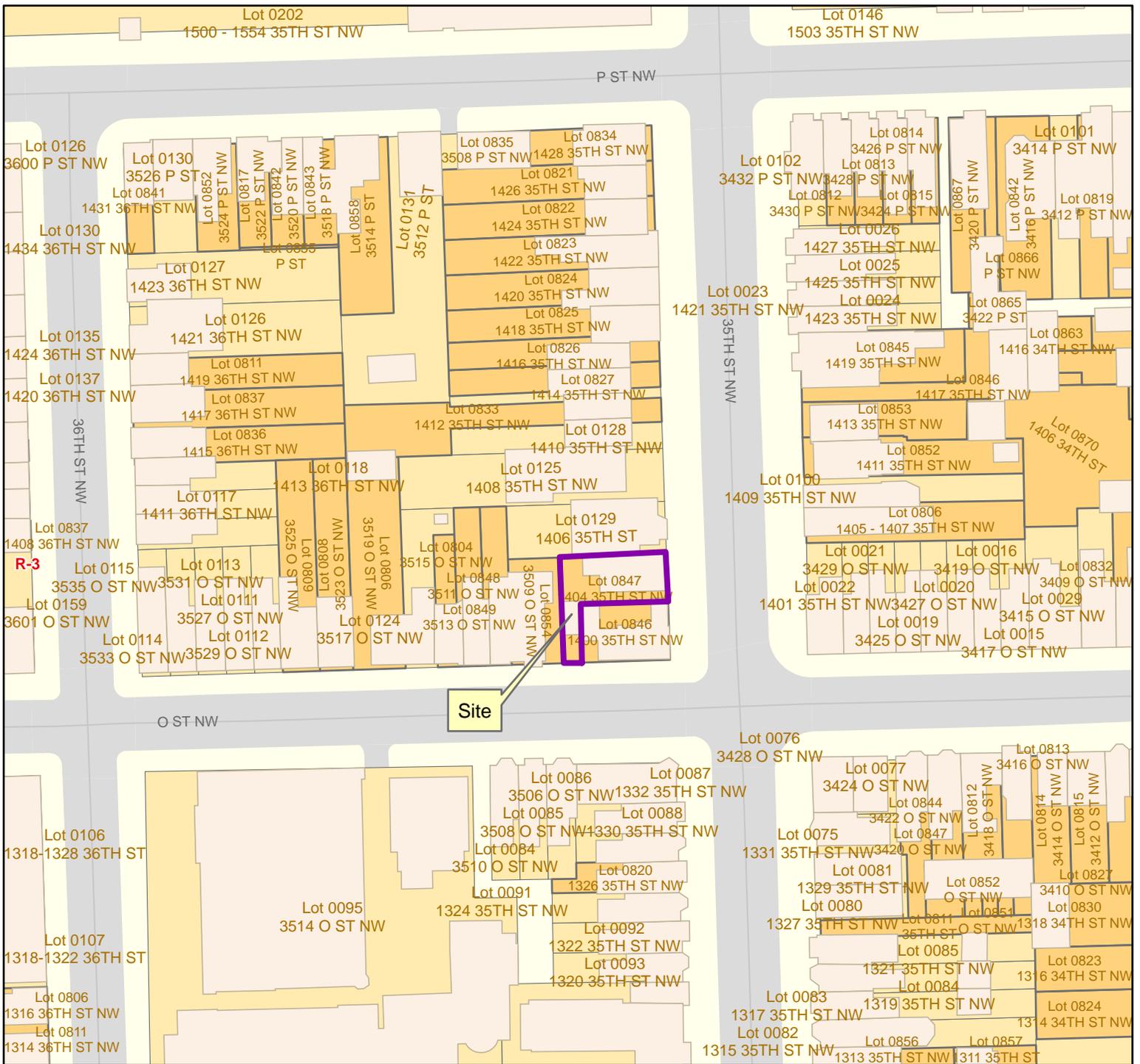
- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application would not result in the introduction or expansion of a nonconforming use.

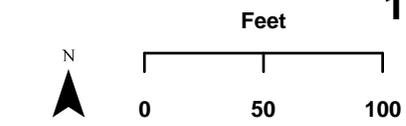
## **VI. COMMUNITY COMMENTS**

The proposed garage expansion was supported by the Old Georgetown Board by appendix OG12-205 and by the U.S. Commission of Fine Arts in a letter dated May 18, 2012. It has also been supported by a neighbor, as indicated in a letter addressed to the Board of Zoning Adjustment dated August 20, 2012.

Attachments: Location Map



## 1404 35th Street, N.W. - BZA Case 18458



**Government of the District of Columbia**  
**Office of Planning ~ October 12, 2012**  
 This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Buildings
- Zoning Districts
- Parks
- Water
- Roads
- Street Centerlines
- Development Review Sites



OPI/D022561