

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review

DATE: June 11, 2013

SUBJECT: BZA Case 18571 – 803 9th Street, NE

I. RECOMMENDATION

With regards to this proposal to build a carport, the Office of Planning (OP) recommends **approval** of the following relief:

- Special exception pursuant to §§ 223 and 403, Lot Occupancy (60% permitted, 69.5%, proposed).
- Variance to § 2300.2(b) Distance to Centerline of Alley (12’ required, 9’ 10.5” existing and proposed);

The application also requests relief from § 2001.3, Additions to Nonconforming Structures. Since no addition is proposed to the existing nonconforming house, OP does not believe this area of relief is required. Should the Board determine otherwise, OP would have no objection to granting the relief.

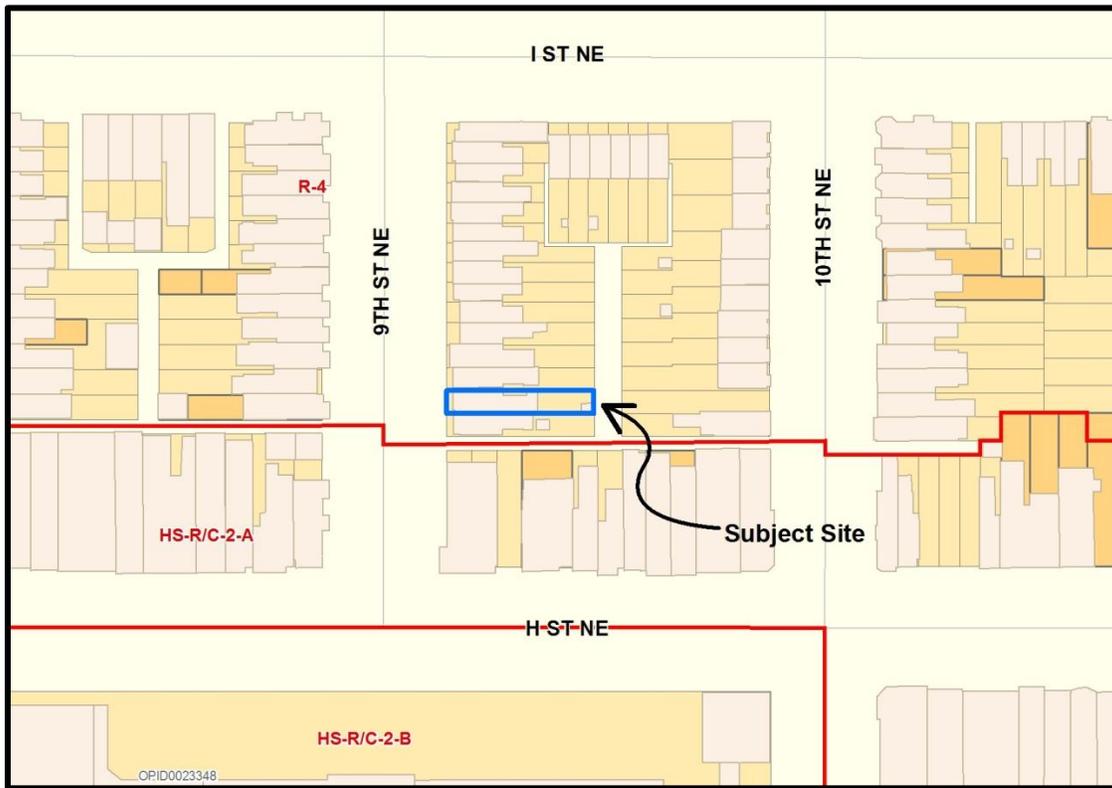
II. LOCATION AND SITE DESCRIPTION

Address	803 9 th Street, NE
Legal Description	Square 933, Lot 14
Ward and ANC	6, 6A
Lot Characteristics	Rectangular Lot – 16.375’ x 106’; Rear alley access
Zoning	R-4 – Rowhouses; Single family and flats
Existing Development	Two-story single family residence; parking space with existing trellis at alley
Historic District	none
Adjacent Properties	Residential rowhouses to the south and north
Surrounding Neighborhood Character	Just north of H Street commercial corridor; Residential rowhouses are the predominant use north of H Street



III. APPLICATION IN BRIEF

Applicant	Jamie Flood, homeowner
Proposal	Construct a carport at existing parking pad currently covered by a trellis
Required Relief	§ 223 – Special exception for a new accessory structure § 2300.2(b) – Variance for distance to alley centerline



IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

R-4	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. max. 3 stories max	22 ft.	No change	Conforming
Lot Area (sf)	1,800 sf min.	1735.75 sf	No change	Existing Nonconforming
Lot Width (ft.)	18 ft. min.	16.375 ft.	No change	Existing Nonconforming
Floor Area Ratio § 402	n/a	0.95	No change	Conforming
Lot Occupancy § 403	60% max. (1,041.45 sf)	57.2% (993.4 sf)	69.5% (1,206.3 sf)	Requested
Rear Yard (ft.) § 404	20 ft. min.	40.3 ft.	No change	Conforming

R-4	Regulation	Existing	Proposed	Relief
Side Yard (ft.) § 405	None required	n/a	None	Conforming
Garage Distance to Centerline of Alley § 2300.2(b)	12 ft. min.	9' 10.5" (garage door only)	No change (garage door with carport)	Requested

V. ANALYSIS

Special Exception Analysis

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) 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.*

The applicant proposes to construct a carport over an existing parking pad at the rear of the property. Although the carport is not enclosed, it counts as an accessory structure and adds to the lot occupancy of the property. In order to build as proposed, the application requests special exception relief under § 223 from the requirements of § 403, Lot Occupancy, and variance relief from Section 2300.2(b), the distance requirement from the centerline of the alley.

223.2 *The addition or accessory structure shall not have a substantially adverse effect 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;

Light and air available to neighboring properties would not be unduly affected. The carport would create a roof where today a trellis exists. The amount of shadow cast on nearby properties would be nearly identical to the current condition, especially since the subject property has fences on either side of the parking pad. Please refer to the submitted photographs.

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

The privacy of surrounding properties would not be compromised by the construction of a carport.

(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

The construction of the carport would not substantially alter the character of the alley. The subject property already has a garage door, as do many of the properties adjacent to the alley. The trellis already provides a feeling of structure above the parking pad, and the carport roof would not significantly change that appearance.

- (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 submitted elevations, floor plans and photographs that illustrate the proposed addition and its surroundings.

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.*

With the proposed addition the lot occupancy would be 69.5%.

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 recommends no conditions or special treatments of the addition.

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

The applicant does not propose to introduce a nonconforming use.

Variance Analysis

In order to be granted a variance, the applicant must show that they meet the three part test described in §3103:

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The property is subject to exceptional conditions. The lot backs onto an alley that is 19.75 feet wide and the existing garage door is at the rear property line.

- 2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The simple construction would not necessitate a change to the existing garage door. Moving the garage door to comply with the regulation and expanding the parking pad would be unnecessary

expenditures for the applicant. Moving the garage door and parking pad would also reduce the usable space in the rear yard.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Granting the requested relief would not impair the public good or the intent of the Zoning Regulations. The existing location of the garage door would be kept and would be in-line with other garage doors, maintaining the character of the alley. The alley is wide enough to allow free turning movements of vehicles into the parking space, and to allow the movement of service vehicles. A garage door that is setback could also create a space for debris to accumulate.

VI. HISTORIC PRESERVATION

The subject site is not located in an historic district.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

As of this writing the Office of Planning has received no comments from the ANC or the community.