

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: May 5, 2015

SUBJECT: BZA Case 18995 – request for special exception relief under § 223 to expand an existing garage with a two story addition and connect it to the existing dwelling with a covered walkway

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to § 223:

- § 403.2, Percentage of Lot Occupancy (40% required, 44.7% proposed);
- § 404.1, Rear Yard (20 feet required, 2 feet proposed);
- § 405.9, Side Yards (8 feet required, 1.5 feet proposed);
- § 406.1, Courts (6 feet required, 1.5 feet proposed); and
- § 2001.3, Additions to Nonconforming Structures

As of this writing, the applicant had indicated that court relief would be requested, but the application had not yet been revised to reflect this.

II. LOCATION AND SITE DESCRIPTION:

Address:	1254 Florida Avenue, N.E.
Applicant	Jennifer Fowler
Legal Description:	Square 4069, Lot 15
Ward:	5, 5B
Lot Characteristics:	The rectangular lot is 3,366 square feet in area and has 25 feet of frontage along Florida Avenue. The lot backs onto a 20 foot wide public alley.
Zoning:	R-4 – Row dwellings.
Existing Development:	Semi-detached dwelling, permitted in this zone.
Historic District:	N/A
Adjacent Properties:	Adjacent properties are generally residential, and lots with row dwellings are of a similar or smaller size. While most lots appear to accommodate row dwellings, there is a three story apartment building located north of the subject site, across the public alley.

Surrounding Neighborhood Character:	The property is located in the Trinidad neighborhood, just one and one half blocks east of Gallaudet University and three blocks north of the H Street corridor. Florida Avenue is lined with row dwellings and semi-detached dwellings, making this a predominantly residential neighborhood.
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III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to construct a two story addition on an existing garage located in the rear yard of semi-detached dwelling. The lower level of the structure would function as a garage, while the upper two floors would accommodate a one-bedroom flat. The proposed addition would increase the height of the garage from 16.5 feet to 29 feet. The structure would be connected to the main dwelling by way of a covered walkway, which will consist of a nine foot high trellis that will follow the west property line. The proposed walkway would project one foot above the fence located along the west property line.

V. ZONING REQUIREMENTS

R--4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	16.5 ft.	29 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	25 ft.	25 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	3,366 sq. ft.	3,366 sq. ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	38%	44.7%	Required
Rear Yard (ft.) § 404	20 ft. min.	74.9 ft.	2 ft.	Required
Side Yard (ft.) § 405	8 ft. min.	1.5 ft.	1.5 ft.	Required
Court § 406	6 ft. min.	1.5 ft.	1.5 ft.	Required

VI. OP 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.*

Row dwellings and flats are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of: § 403, lot occupancy; § 404, rear yard; § 405, side yard; § 406.1, courts; and § 2001.3 for additions to nonconforming structures.

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:*

¹ Information provided by applicant.

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposed addition should not affect the light and air available to neighboring properties. The addition would be located at the rear of the lot, adjacent to a 20 foot wide public alley, and would provide a minimum separation of approximately 16 feet from the nearest occupied structure. In this case, the 20 foot wide alley provides a significant buffer from properties located north of the addition.

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

The privacy and use and enjoyment of the neighboring properties should not be unduly compromised. The additional dwelling unit would be separated from other residences by a minimum of 16 feet, and would not have windows on the side elevations that view upon neighboring properties. The covered walkway would be nine feet in height, and would protrude only one foot above the existing property fence along the western property line.

- (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 proposed three story garage and meaningful connection should not substantially visually intrude upon the character, scale and pattern of development along the alley and Florida Avenue. The proposed addition would not appear to impact the character along Florida Avenue, as it would be set back approximately 111 feet from the street and will be screened by the existing 24 foot high dwelling and mature landscaping.

Many garages along the alley are either two or three stories in height. The Location Map provided at the end of this report identifies the location of single, two story and three story existing structures along the alley. Based on information provided by the applicant, the one story garages are approximately 11 feet in height, two story structures range from 20-25 feet in height, and the three story apartment building is approximately 40-45 feet in height. The proposed garage addition, at 29 feet high, would fall within the range of heights already present along the alley, and while it would be taller than adjacent garages, the gabled roof minimizes the impact of the additional height. As a result, it would be consistent with the pattern of development 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.*

The applicant has provided graphical representations, including a site plan, building elevations and photographs to demonstrate 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 lot occupancy of all new and existing structures on the lot would be 44.7%, which is less than the 70% permitted by 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 does not recommend special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent properties.

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

The proposed use is a flat, which is permitted in this District.

VII. AGENCY COMMENTS

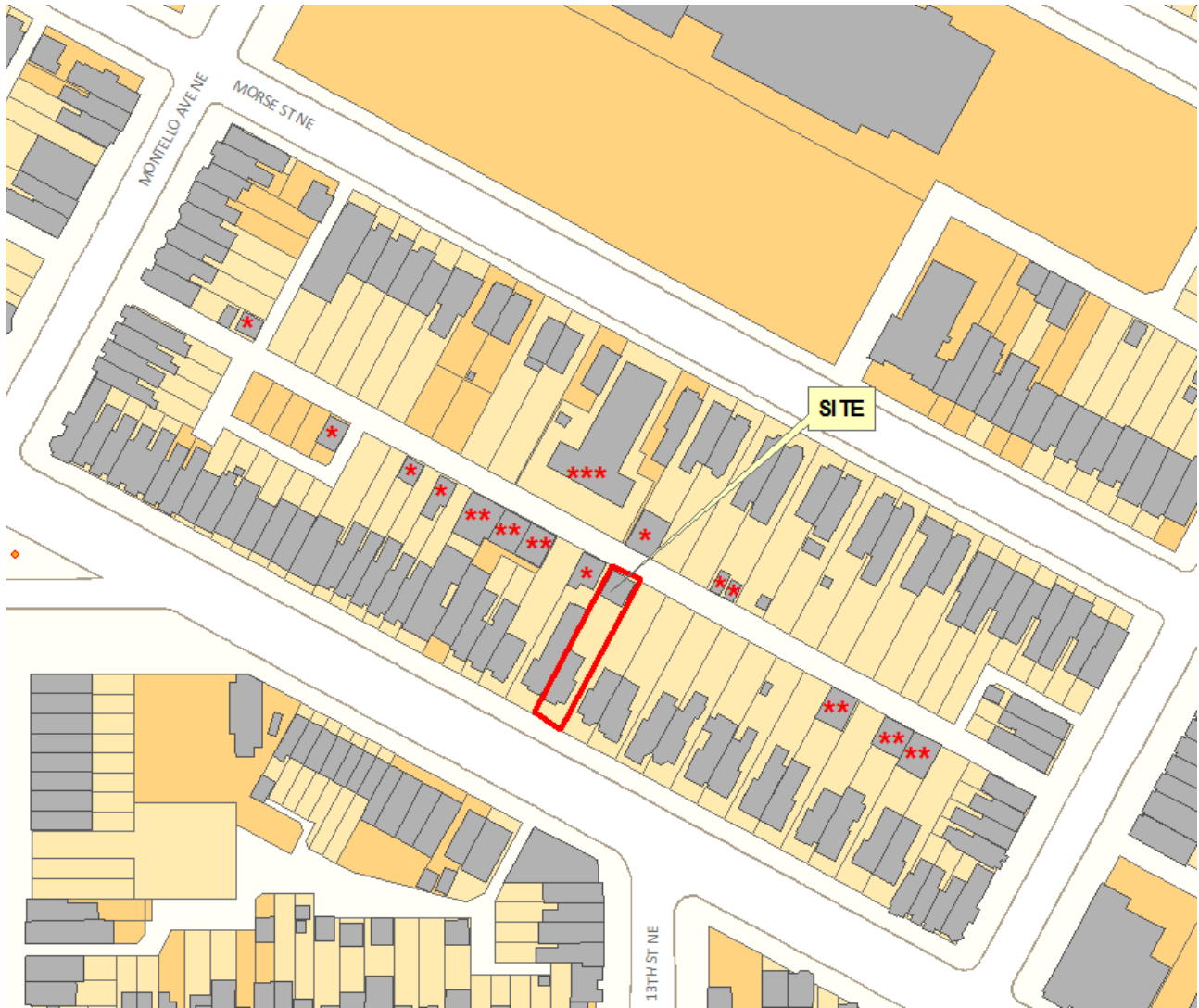
As of the date of this writing, comments from other agencies had not been received.

VIII. COMMUNITY COMMENTS

The applicant has provided several letters of support for the proposed addition, including one from the neighbor located immediately south of the property. In addition, the applicant has presented the request for relief to Single Member District ANC 5D06, but a meeting in front of the full ANC has not been scheduled. The Single Member District did not note any objections to the requested relief.

Attachment: Location Map

Location Map



Legend	
*	Existing one-story structure
**	Existing two-story structure
***	Existing three-story structure