

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: November 18, 2016
SUBJECT: BZA Case 19372 - request for special exception relief from lot occupancy (E § 304.1) under Subtitle E § 5201 to permit a detached garage in the RF-1 zone at 440 N ST NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- § 304.1, lot occupancy (60% maximum permitted, 69.3% proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	440 N Street NW
Applicant:	Glenn Counts, Owners
Legal Description:	Square 513, Lot 932
Ward / ANC:	6 / 6E
Zone:	RF-1 – detached, attached, semi-detached, single-family dwellings and flats.
Historic District:	Mt. Vernon Square Historic District
Lot Characteristics:	Rectangular lot measuring 9.98 feet in width and 100.6 feet in depth. The lot is bounded by N Street NW to the north, a 10-foot wide improved public alley to the west, a 16-foot wide improved public alley to the south, and an adjoining lot to the east.
Existing Development:	The property is improved with an existing two-story single-family dwelling, which is permitted in the RF-1 zone.
Adjacent Properties:	The adjacent property to the east at 938 N Street NW is improved with an existing single-family residential row dwelling.
Surrounding Neighborhood Character:	The surrounding neighborhood is residential in character. To the west is the Mt. Vernon Square/7 th Street/Convention Center.
Proposed Development:	The Applicant is proposing to construct a detached single car garage.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) E § 303	35 ft. max.	N/A	N/A	None required
Stories	3 stories	2 stories	2 stories	
Lot Width (ft.) E § 201	18 ft. min.	10 ft.	10 ft.	None required
Lot Area (sq. ft.) E § 201	1,800 sq. ft. min.	1,005 sq. ft.	1,005 sq. ft.	None required
Floor Area Ratio	None prescribed	N/A	N/A	None required
Lot Occupancy E § 304	60% max.	49.4%	69.3%	9.3%
Rear Yard (ft.) E § 306	20 ft. min.	53 ft.	53 ft.	None required
Side Yard (ft.) E § 307	None required	N/A	N/A	None required
Accessory Building Height (ft.), E § 5002.1	20 ft.	N/A	9.5 ft.	None required
Stories	2 stories		1 story	

IV. OP ANALYSIS:

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant is requesting relief from the lot occupancy development standards.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The Applicant is proposing a new accessory structure to an existing single-family dwelling.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed 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 garage should not unduly affect the light and air available to neighboring properties. The proposed garage would measure 9.5 feet in height and would be screened from the adjoining property at 938 N Street NW by existing fencing and from the property at 442 N Street NW by the 10-foot public alley.

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

The proposed garage would not feature windows on the east and west facades. Therefore, 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;

The proposed garage would not be visible from a public street, but would be visible from the alley. The garage would be clad in siding and should not substantially visually intrude on the character, scale, and pattern of houses in the 400 block of N Street NW. The proposed siding and trim are not out of character with surrounding houses.

Historic Preservation staff reviewed and approved building permit application G1600064 for the proposed garage on August 26, 2016 (Exhibit 13).

(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; and

The applicant has submitted elevations, floor plans and photographs that illustrate the proposed garage and its surroundings.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The lot occupancy with the proposed garage would be 69.3%.

5201.4 The Board of Zoning Adjustment 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.

No special treatment or conditions are recommended.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The proposed garage would not permit the introduction or expansion of a nonconforming use. The property is used and would continue to be used as a single-family dwelling, which is permitted in the RF-1 zone.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed garage would not exceed the maximum permitted height of 20 feet and two stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies had not been received at the time this report was drafted.

VI. COMMUNITY COMMENTS

ANC 6E voted to support the requested special exception relief by a vote of 4-0-0 at its October 4, 2016, public meeting (Exhibit 33).

Attachment: Location Map



Figure 1: Location Map, 440 N Street NW