


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: March 17, 2017

SUBJECT: BZA Case 19461 - request for special exception relief under Subtitle E § 5201 to permit a two-story detached garage in the RF-1 zone at 1126 Constitution Avenue NE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- E § 304.1, lot occupancy (60% permitted, 51.9% existing, and 69.9% proposed); and
- E § 5004.1, rear yard setback (12 feet required, 7.5 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	1126 Constitution Avenue NE
Applicant:	Jennifer Fowler, Agent on behalf James and Angela Catella, Owners
Legal Description:	Square 987, Lot 73
Ward / ANC:	6 / 6A
Zone:	RF-1 – detached, attached, semi-detached, single-family dwellings and flats.
Historic District	Capitol Hill Historic District
Lot Characteristics:	Rectangular lot measuring 16.5 feet in width and 100 feet in depth. The lot is bounded by Constitution Avenue NE to the south, a 15-foot wide improved public alley to the north, and adjoining lots to the east and west.
Existing Development:	The property is improved with an existing two-story single-family row dwelling, which is permitted in the RF-1 zone.
Adjacent Properties:	The adjacent properties to the east and west at 1124 and 1128 Constitution Avenue NE are also improved with existing single-family residential row dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood is residential in character.
Proposed Development:	The Applicant is proposing to construct a two-story detached garage.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief
Lot Width (ft.) E § 201	18 ft. min.	16.5 ft.	16.5 ft.	Existing nonconforming
Lot Area (sq. ft.) E § 201	1,800 sq. ft. min.	1,650 sq. ft.	1,650 sq. ft.	None required
Lot Occupancy E § 304	60% max.	51.9%	69.9%	Requested 9.9%
Rear Yard (ft.) E § 306	20 ft. min.	41 ft.	41 ft.	None required
Side Yard (ft.) E § 307	None required, but 5 ft. min. if provided	N/A	N/A	None required
Court E § 203	2.5 in./1 ft. height min.	4.5 ft.	4.5 ft.	None required
Accessory Building Height E § 5002	20 ft.	N/A	18 ft.	None required
Accessory Building Rear Yard E § 5003	12 ft. from alley centerline	N/A	7.5 ft.	Requested 4.5 ft.

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 and yard provisions.

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 to construct a detached garage.

¹ Information provided by applicant.

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:

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

The adjoining properties at 1124 and 1128 Constitution Avenue NE both have detached garages situated at or near the rear property line. The proposed garage would be similar in scale and placement to the garage at 1124 Constitution Avenue NE and slightly larger than the existing garage at 1128 Constitution Avenue NE. The proposed garage would not exceed the maximum permitted height for accessory buildings. Therefore, the proposed garage should not unduly affect the light and air available to neighboring properties.

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

The proposed garage would be flanked by existing accessory structures at the adjoining properties. The Applicant is proposing a deck with stairs to grade in the rear yard that would provide access to the proposed storage loft. There is an existing brick wall providing separation between the rear yard of the subject property and the rear yard of 1124 Constitution Avenue NE. There is an ivy covered fence separating the rear yard at 1128 Constitution Avenue NE. 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 be visible from the alley, but should not substantially visually intrude on the character, scale, and pattern of houses in the 1100 block of Constitution Avenue NE. The alley currently has a number of detached garages, of varying height and material, located at the rear property line.

(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 addition 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 addition would be 69.9%.

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 2 stories for an accessory building. The Applicant is proposing a garage that would measure 14 feet and 4 inches from grade when measured at the rear yard and 18 feet from grade when measured at the alley.

Subtitle X Chapter 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Granting the special exception relief for lot occupancy for the proposed two-story addition would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The additions would not be visible from a public street and would be constructed of high quality materials.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposed addition should not adversely affect the use of neighboring properties.

(c) Subject in specific cases to the special conditions specified in this title.

No special conditions are recommended.

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

The Applicant provided letters in support from the adjoining property owners at 1128 and 1124 Constitution Avenue NE (Exhibits 28 and 32, respectively), as well as other property owners in the area (Exhibits 29 – 31, 33, 34).

ANC 6A had not provided a resolution at the time this report was drafted.

Attachment: Location Map

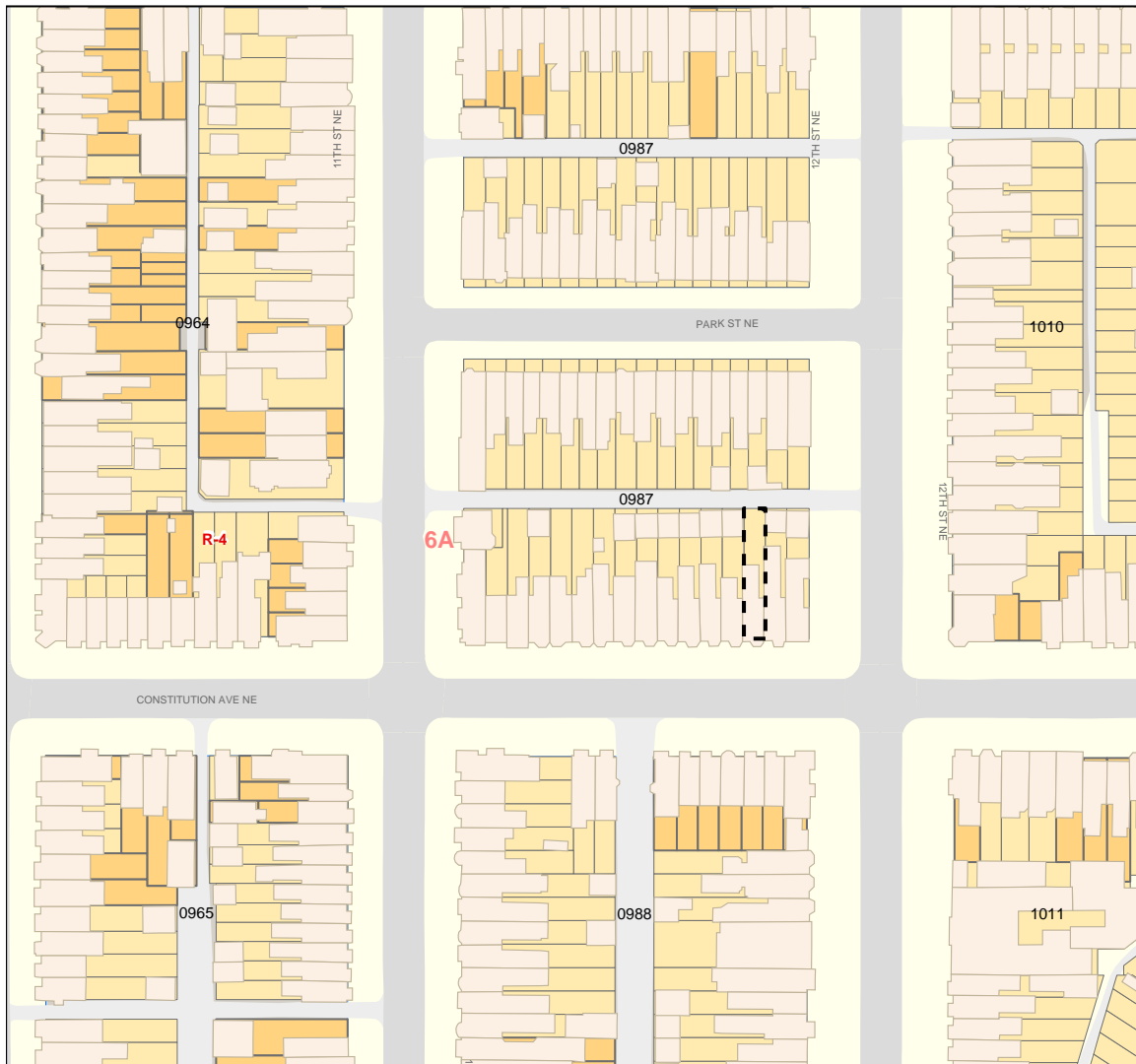


Figure 1: Location Map, 1126 Constitution Avenue NE