

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** December 9, 2014

**SUBJECT:** BZA Case 18865, 21 Quincy Place NW - variances to allow the construction of a new two car garage.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **cannot support** the following:

- § 403 Lot Occupancy (60% max. permitted, 76% existing, 86% proposed);
- § 2001.3 Nonconforming Structures;
- § 2300.2 Private Garages and Carports – Alley Setback (12 feet required, 10 feet proposed)<sup>1</sup>; and
- § 2500.4 Height of Accessory Building (15 feet required, 15 feet 6 inches proposed).

The Applicant has not established a nexus between the uniqueness of the lot and a practical difficulty.

The Subject Property is also nonconforming to lot area and lot width. The Zoning Administrator has determined that this relief is not required for an addition on an existing lot.

**II. LOCATION AND SITE DESCRIPTION**

Address	21 Quincy Place NW (the “Subject Property”)
Legal Description	Square 3101, Lot 104
Applicant	Kevin Latner (the “Applicant”)
Ward	5
Lot Characteristics	The rectangular lot is 16.67 feet wide along the Quincy Place frontage and 90 feet deep. A 20 foot alley is located to the rear.
Zoning	R-4
Existing Development	Row dwelling, permitted in this zone. A parking pad for two cars is located at the rear of the Subject Property. A carriage house was previously located on the site of the proposed garage.

<sup>1</sup> The Applicant also requested relief from § 2301 Parking Garages; however, relief from any alley setback requirements for the accessory building should be covered under § 2300.2 Private Garages and Carports.



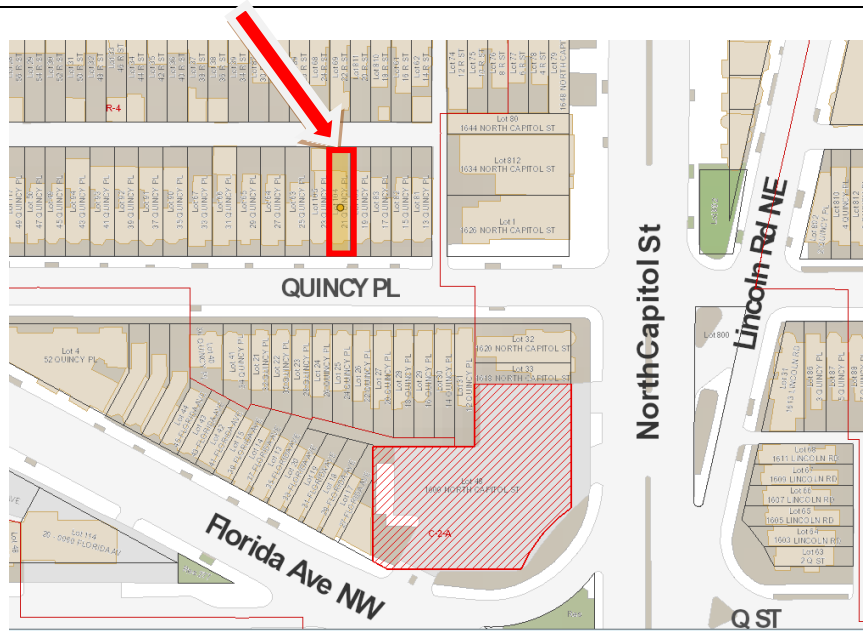
Historic District	NA
Adjacent Properties	Adjacent properties include row dwellings.
Surrounding Neighborhood Character	<p>The surrounding neighborhood is predominantly characterized by row dwellings along with some low-density commercial uses along North Capitol Street.</p> <p>Approximately 17 of 85 lots in Square 3101 have alley-loaded detached garages; 68 lots (80%) do not have garages. OP has no information on the dates or processes which permitted these garages.</p>

**III. APPLICATION IN BRIEF**

Proposal:	<p>The Applicant proposes to construct an 18' x 16.67' garage at the rear of an existing rowhouse lot. A storage area would be included above the parking area.</p> <p>According to the Applicant, the Applicant currently has a permit from DCRA to rebuild a pre-existing 9' x 18' carriage house.</p>
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**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	NA	NA	NA	None required
Lot Width § 401	18 ft. min.	16.67 ft.	16.67 ft.	Existing nonconforming
Lot Area § 401	1,800 sf. min.	1,500 sf.	1,500 sf.	Existing nonconforming
Floor Area Ratio § 402	NA	NA	NA	None required
Lot Occupancy § 403	60% max.	76%	86%	<b>Relief required</b>
Rear Yard § 404	20 ft. min.	26 ft.	0 ft.	None required
Side Yard § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required
Alley Setback § 2300.2	12 ft.	NA	10 ft.	<b>Relief required</b>
Height of Accessory Building § 2500.4	15 ft.	NA	15 ft. 6 in.	<b>Relief required</b>



**Subject Property**

**V. OFFICE OF PLANNING ANALYSIS**

**a. Variance Relief from § 403 (Lot Occupancy), § 2300.2 (Garage Setback), § 2500.4 (Height of Accessory Building)**

**i. Exceptional Situation Resulting in a Practical Difficulty**

According to the Applicant, the Subject Property’s exceptional situation is the result of four factors: 1) an exceptionally narrow lot (16.6 feet), 2) approval as a matter of right to rebuild a pre-existing carriage house, or garage, 3) the increase in the size of personal vehicles since the house was originally built (around 1900), and 4) the approved design not meeting minimum DC or uniform building standard parking space size requirements.

The Subject Property does not conform to lot area, lot width and lot occupancy requirements of the R-4 District, as it predates the 1958 Zoning Regulations resulting in non-conformities that are specifically regulated by § 2001. However, these non-conformities do not create a specific uniqueness of the property as the Applicant has not been prevented from making practicable use of the property. Other lots on the Square share the same characteristics, with 68 having lot widths less than 18 feet and 73 having a lot area less than 1,800 square feet (the minimum requirements for the R-4 zone). The Property is improved with a pre-1958 three-story row dwelling which is a common building type in the Square. Further, garages are not typical of rowhouses within the Square. As noted previously, 80% of the lots do not have detached garages.

According to the Applicant, the Applicant currently has approval from DCRA to rebuild a 9 x 18 foot carriage house; however, this indicates that a conforming solution is possible, and does not contribute to an exceptional situation necessitating the construction of a structure with a larger footprint. Even if there has been, as stated, an increase in the size of personal vehicles, this also would not constitute a unique circumstance resulting in a practical difficulty.

Further, although the proposed garage would exceed the permitted height by only six inches and the alley setback requirements by two feet, the Applicant has not provided a justification based on an exceptional situation for either variance.<sup>2</sup>

While the Applicant may not be able to build a garage of sufficient size for two vehicles, this is neither a requirement nor an expectation, and there is no nexus with an exceptional situation on the Subject Property.

## **ii. No Substantial Detriment to the Public Good**

Even though garages are not common on this square, granting a variance would not appear to cause substantial detriment to the public good. OP staff is not aware of any neighbor or ANC opposition to the proposal. The proposed ten foot setback from the alley centerline and height of the garage would be consistent with other nearby accessory buildings and fencing. Further, the garage's proposed location should not hinder any alley movement. According to the Applicant, the proposed garage would help to mitigate the Applicant's safety concerns in the alley. Finally, the requested height relief would not be detrimental as it should not unreasonably impose on neighbors' privacy or light and air.

## **iii. No Substantial Harm to the Zoning Regulations**

Granting variance relief would impair the intent and integrity of the zone plan as no uniqueness of property exist which immediately relates to the practical difficulty for the Applicant. No nexus has been established between the requested lot occupancy increase and a practical difficulty. The proposed project would result in a level of development (86% lot

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<sup>2</sup> The height of the proposed garage would be the same height as the by-right carriage house (15 feet 6 inches).

occupancy) not anticipated in this zone. The lot occupancy limitations serve to maintain the character of a zone district by prescribing the development intensity of permitted principal and accessory buildings.

The Office of Planning recognizes that there appears to be other non-conforming dwellings within the Square, but can find no record of relief for those properties.

## **VI. COMMUNITY COMMENTS**

As of this writing, OP has not received comments from the neighbors.

According to the Applicant, on November 18, 2014, ANC 5E voted unanimously to support the application. In addition, the Applicant noted that on November 17, 2014 the Bloomingdale Civic Association also voted to support the requested variances.