



## MEMORANDUM

**TO:** District Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** June 7, 2011

**SUBJECT:** BZA Application #18218 – Request for area variance relief from § 403 (lot occupancy), § 404 (rear yard), and § 2300.2 (alley setback) to accommodate a rear detached garage at 1426 K Street S.E.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **cannot recommend approval** of this application for a rear detached garage requiring the following relief:

- § 403, area variance relief from the lot occupancy requirement (213 square feet excessive)

However, should the BZA decide to approve this application, OP has no concerns with the Applicant's limited relief request from rear yard (§ 404, ~1' deficient) and alley setback (§ 2300.2, 2.4' deficient). OP further notes that the lot also has existing non-conformities for lot width and lot area, but neither condition would change under the application. The application also originally requested relief from closed court width (§ 406), but the Applicant has withdrawn this relief request.

### **II. AREA AND SITE DESCRIPTION**

Address:	1426 K Street S.E.
Legal Description:	Square 1065, Lot 42 (hereinafter, the "Property")
Ward/ANC:	6/6B
Lot Characteristics:	The lot is rectangular in shape and measures 15' in width by 95' in depth, totaling 1,425 square feet in lot area. The lot fronts K Street to the south and an improved 10' wide public alley to the north.
Zoning:	R-4: permits row dwellings and flats
Existing Development:	The Property is developed with a two-story row dwelling. In 2010, a second-story (above 4' in height) and first-story (less than 4' in height) rear decks were constructed.
Historic District:	N/A
Adjacent Properties:	To the Property's west and east are two-story row dwellings. Across the alley to the north are two-story row dwellings.
Surrounding Neighborhood Character:	The Square generally consists of row dwellings. More broadly, the neighborhood is characterized by the Southeast Freeway approximately one block to the south, a mix of low density residential and commercial uses along Pennsylvania Avenue SE a few blocks to the east and north. The Potomac Avenue metro station is approximately three blocks to the Property's north.

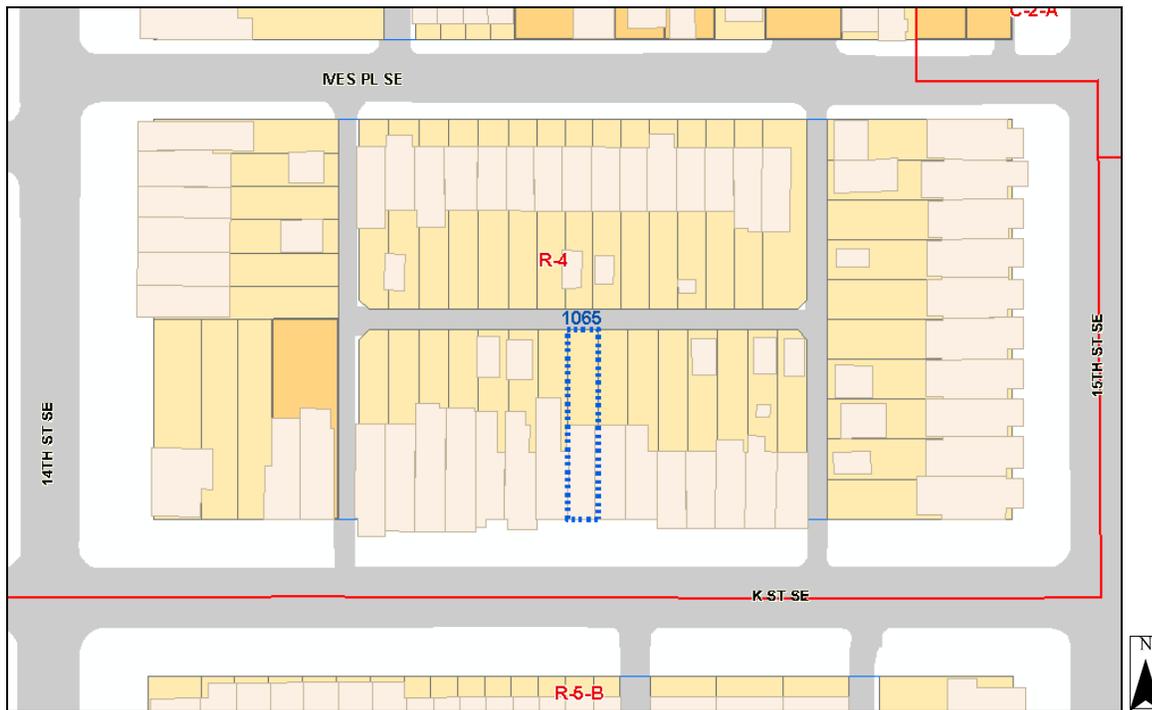
### **III. PROJECT DESCRIPTION IN BRIEF**

Applicant:	James Lisowski
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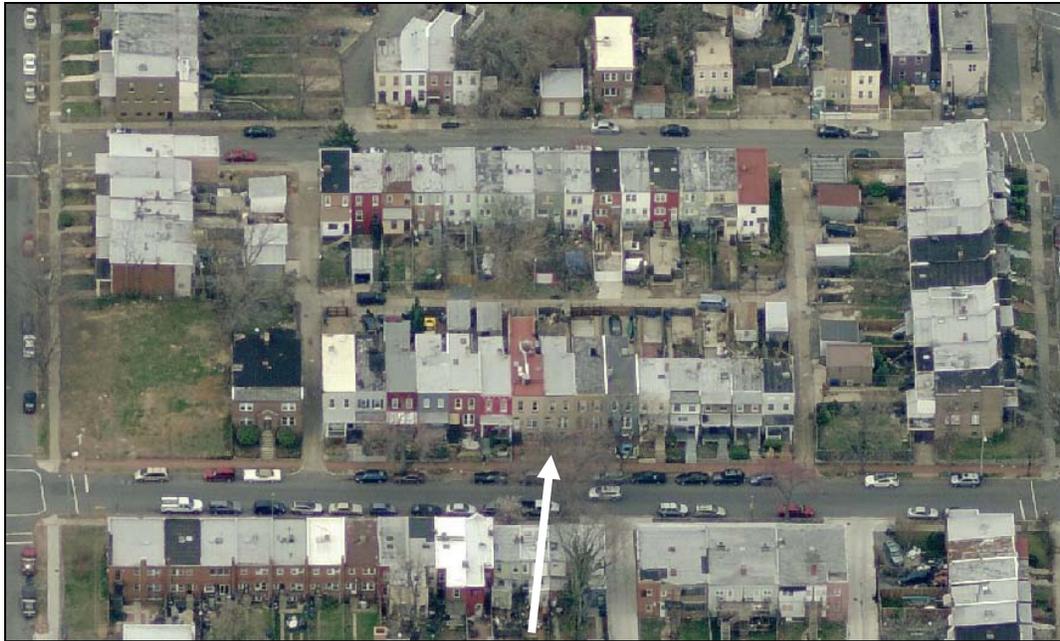


<p>Proposal:</p>	<p>The application proposes to construct a one-story detached garage at the rear of the Property. The garage would measure 15' in width by 19' in depth and total 285 square feet. It would have a height of approximately 11'.</p> <p>After the initial submission, the Applicant has made positive modifications to the proposal which have impacted the relief needed. The proposed garage would be set back approximately 4.6' from the alley edge, which is an increase from the original 0' setback. However, the setback would still be 2.4' deficient pursuant to § 2300.2. The depth of the proposed garage was reduced from 22.5' to 19'. Nevertheless, the shift in the location of the garage causes the required rear yard to be ~ 1' deficient. The Applicant also recalculated the lot occupancy to include coverage by the existing second-story rear deck and its associated non-conforming open court.</p>
<p>Relief Sought:</p>	<p>§ 403, area variance relief from the lot occupancy requirement                  § 404, area variance relief from the rear yard requirement                  § 2300.2, area variance relief from the alley setback requirement</p>

**IV. IMAGES AND MAPS**



Aerial view of the Property (highlighted)



View of the subject block looking north across K Street SE (Property identified)

**V. RELIEF REQUESTED**

Accessory buildings are permitted in R-4 districts subject to conditions provided in §§ 2300 and 2500. The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

R-4 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Lot area (square feet) § 401	1,800 min.	1,425	1,425	Existing non-conformity; no change proposed
Lot width (ft.) § 401	18' min.	15'	15'	Existing non-conformity; no change proposed
Lot occupancy (percentage) § 403	60% max. 70% by special exception	~ 55%	~ 75%	Relief needed: the lot occupancy would be 213 square feet excessive
Rear yard (ft.) § 404	20' min.	44.5'	44.5' Required rear yard of 19.3'	Relief needed: the required rear yard would be .7' deficient
Parking spaces (number) § 2101	1 min.	1	1	None required
Setback from alley centerline (ft.) § 2300.2	12' min.	-	9.6'	Relief needed: the garage would be set back 2.4' less than required

**VI. OFFICE OF PLANNING ANALYSIS**

Area Variance: § 403 (lot occupancy)

The area variance requirements pursuant to § 3103 to be met are as follows:

<sup>1</sup> Information provided by Applicant.

**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 does not exhibit a specific uniqueness. The Property is a typical shape and size for residential properties in the Square, measuring 15' by 95' and totaling 1,425 square feet. At least two dozen residential lots measure under 18' width and 100' length in the Square. The Property is improved with a pre-1958 two-story row dwelling which also is a common building type in the Square. The dwelling currently occupies approximately 55% of the Property.<sup>2</sup> The second floor deck, which was constructed during a 2010 renovation of the dwelling, contributes about 6% to the lot occupancy calculation.<sup>3</sup> Other features identified in the application are also not exceptional to the Property. For instance, the application states that there are traces of a past garage on the site (which can be seen in an existing foundation slab and historic maps), how the alley is narrow at 10' width, and the security concerns along the alley, among other characteristics.<sup>4</sup> These identified features do not appear to be unique to the Property.

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

There is no uniqueness resulting in a practical difficulty to the Applicant concerning the lot occupancy relief. The Property is already developed with a row dwelling. The dwelling currently occupies approximately 55% of the lot, and there is space to further develop the Property either by right or by special exception (up to 70% lot occupancy).

OP notes that the Applicant has explored different options for the size of the garage and now proposes a structure with a 19' depth, which is the minimum depth for a conforming parking space under the regulations. As a result, there does not appear to be a conforming or special exception (70%) option for creating an accessory garage housing a conforming parking space as the Property is currently developed.<sup>5</sup> Nevertheless, there remain options such as a roll-up gate or a trellis, which could enhance the Property's off-street parking condition without running afoul of lot occupancy limitations.

**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?**

The requested lot occupancy relief would not appear to cause substantial detriment to the public good. The accessory garage, which would be restrained in height (~11' tall) and size (285 square feet), should not unreasonably impose on neighbors' privacy or light and air. There are several other accessory garages along the alley, and the proposed garage would be aligned with adjacent fences and accessory buildings along the alley's south side.

However, such relief could not be granted without impairing the intent of the current Zoning Regulations and Map. The lot occupancy limitations serve to maintain the character of a zone district by prescribing the development intensity of permitted principal and accessory buildings.

Area Variance: § 2300.2 (setback from alley)

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<sup>2</sup> This calculation includes non-conforming open courts and the coverage of the second floor deck.

<sup>3</sup> This calculation also includes the associated non-conforming open court.

<sup>4</sup> The Applicant does not intend to retain the existing garage foundation.

<sup>5</sup> Due to the requirement to include side yard space less than 5' in width adjacent to a structure in a lot occupancy calculation (see definition of "building area"), the possibility of creating a narrower garage also encounters lot occupancy relief complications.

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

As the requested alley setback relief is tied to a proposal that OP has determined is contrary to the intent of the zoning regulations and therefore not supportable, OP correspondingly does not believe that relief from this regulation is warranted.

However, should the Board determine that an accessory structure contributing to a proposed lot occupancy of ~ 75% is justified at this site, OP believes that the Property does exhibit an exceptional condition for the alley setback relief requested to accommodate the proposed structure. The Property is located along a 10' wide public alley. The south side of the alley is characterized by fences and accessory buildings consistently set back about 4.6' from the alley edge. The application proposes to maintain the existing condition which effectively widens the alley and improves alley circulation. The application also provides that the setback would coincide with the existing fence on the Property.

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

The exceptional condition imposes a practical difficulty. The alley width is 10' wide and, pursuant to § 2300.2, the Applicant would be required to provide a 12' setback from the alley centerline. The Applicant proposes to set back the garage 9.6' from the alley centerline, or 4.6' from the alley edge. Given the configuration of the existing buildings and fences along the alley, a 12' setback for the building would create inefficient alley space that would be out of character with neighboring properties. In fact, a compliant setback from the alley would require the Applicant to devote approximately 7% of the Property solely to alley circulation purposes with no clear benefit to the owner or neighbors. Locating the garage an additional 2.4' back would prove unnecessarily burdensome to the Applicant and could result in safety and sightline issues as well as further intrude upon required rear yard space.

**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 a variance would not cause substantial detriment to the public good. OP is not aware of any neighbor opposition to the proposal, and the accessory building's 9.6' setback from the alley centerline would be consistent with other nearby accessory buildings and fencing. Further, relief could be granted without substantial detriment to the Zoning Regulations and Map, as the proposed location should not hinder any alley movement.

Area Variance: § 404 (required rear yard)

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

The requested rear yard relief is tied to a proposal that OP has determined is contrary to the intent of the zoning regulations and therefore not supportable. As such, OP does not believe that relief from this regulation is warranted. Should the BZA decide to approve other relief requested in this application, OP has no concern with the Applicant's request for minor relief from the required rear yard standard. The application aims to set back the proposed accessory garage from the alley in line with adjacent fences and structures along the alley. The garage would be 19' in depth, which is the minimum depth required for a conforming parking space. As such, complying with the alley set back requirement causes the application to run afoul of the required rear yard standard.

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

Without the rear yard relief, the Applicant would not be able to set back the accessory garage along the alley in a manner that aligns with neighbors while also satisfying the minimum standard for parking space dimensions.

**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 rear yard relief should not cause substantial detriment to the public good, nor would relief substantially impair the intent, purpose, and integrity of the Zoning Regulations. The amount of relief requested, about 1', is minor in scale.

**VII. ANC/COMMUNITY COMMENTS**

The application indicates that ANC 6B voted in support of the proposal. The Applicant has indicated that he will return to the ANC on June 7, 2011 to discuss the revised proposal and zoning relief. The application further provides that the Capitol Hill Restoration Society (CHRS) zoning subcommittee opposed the application. The Applicant has submitted a letter in support of the proposal that is signed by three adjacent neighbors, and has further indicated that adjacent neighbors have been provided with the revised proposal. OP has not received any submissions from neighbors opposing the proposal.

JLS/pg  
Paul Goldstein, case manager