



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director
DATE: June 15, 2010
SUBJECT: BZA Case 18076 – request for special exception and variance relief to construct a detached garage behind the dwelling at 1814 Park Road, NW

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this application pursuant to §§ 223 and 3103 to permit the construction of a detached garage requiring relief as follows:

- §403, special exception pursuant to §223 to allow a 67.8% Lot Occupancy (40% allowed by-right, 70% by special exception);
- §2001.3, special exception pursuant to §223 to allow the enlargement of an existing non-conforming structure (existing 49% lot occupancy);
- §2300.2(b), variance to allow a setback of 10.8’ from the centerline of the alley (12’ required);
- §2500.3, variance to allow a rear yard occupancy of 31.9% (30% maximum allowed).

II. LOCATION AND SITE DESCRIPTION

Address	1814 Park Road, NW
Legal Description	Square 2606, Lot 69
Ward and ANC	1D
Lot Characteristics	25-foot wide lot, sloping gradually down from north to south (front to rear); existing two-car parking pad with retaining walls; 20-foot wide alley to the rear.
Zoning	R-4 – attached single family dwellings
Existing Development	Single family semi-detached dwelling, permitted in this zone
Adjacent Properties	Single family semi-detached houses
Surrounding Neighborhood Character	Mix of attached, detached and semi-detached houses

III. PROJECT DESCRIPTION IN BRIEF

Applicants	Susan Anderson and Michael Sims, homeowners
Proposal	Construct a detached garage on the site of an existing parking pad
Relief Required	§223 – Additions to a One-Family Dwellings or Flats (§403 – Lot Occupancy; and §2001.3 – Additions to non-conforming structures); §2300.2(b) – Distance from Alley Centerline; §2500.3 – Rear Yard Occupancy.

IV. ZONING REQUIREMENTS

Item	Section	R-4 (semi-detached)	Existing	Proposed	Relief
Height	400	40' 3 Stories	40' 3 Stories	No Change	Conforming
Lot Area	401	3,000 sf	2,771 sf	No Change	Existing
Lot Width	401	30'	25'	No Change	Existing
Lot Occupancy	403	40% 1,108 sf	49.0% 1,358 sf	67.8% 1,879 sf	Requested
Rear Yard	404	20'	36.3'	No Change	Conforming
Side Yard	405	8'	~5'	No Change	Existing
Distance from Centerline	2300.2(b)	12'	n/a	10.8'	Required
Rear Yard Occupancy	2500.3	30% of req'd rear yard, max	n/a	31.9%	Required

V. ANALYSIS

SPECIAL EXCEPTION

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 ... as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

Single family semi-detached dwellings are a permitted use in this zone. The applicant requests special exception relief under §223 from the requirements of §403, Lot Occupancy, and is

obliged to obtain special exception relief under §223 from the requirements of §2001.3.

223.2 *The addition or accessory structure shall not have a substantially adverse affect 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 proposed addition would not unduly impact light or air available to adjacent properties. The detached garage would be of a similar height to the garage on the property to the west. A minimal amount of afternoon shadow would be generated on the property to the east, but not enough to severely diminish the total amount of light reaching that property. Air flow to adjacent properties would not be impacted.

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

The privacy of neighboring properties would not be unduly compromised. Fences separate this property from neighboring properties. A fence surrounding the proposed deck on top of the garage would protect the privacy of the owner as well as the neighbors.

(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 garage would be barely visible from Park Road, so would not visually intrude upon the character and pattern of the houses. The alley has a number of garages on it that are of a similar scale to the one proposed.

(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 submitted elevations, sections, floor plans and photographs that illustrate the existing site and the proposed addition.

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.*

With the proposed addition the lot occupancy would be 67.8%.

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 recommends no conditions or special treatments of the addition.

VARIANCE

In order to be granted a variance, the applicant must demonstrate how they meet the three-part test described in §3103.

- 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 exhibits a unique feature. A previous owner constructed walls surrounding the existing parking pad. These masonry walls, in addition to defining the parking pad, act as retaining walls. The design proposes to use the walls as part of the new garage.

- 2. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The unusual condition described above imposes a practical difficulty on the property owner. The walls terminate very close to the rear property line on the alley. A garage built as proposed on the existing walls would be closer to the centerline of the alley than the minimum required. However, it would be very expensive, as well as disruptive to this and neighboring properties, to relocate the walls further from the alley while maintaining enough depth for parking vehicles. Maintaining a practical depth for the garage would require taking down the north wall, jackhammering a portion of the existing concrete patio, excavating, and constructing a new north wall and extensions of the side walls. Even if this approach were undertaken, however, it would only exacerbate the other area of relief required for amount of rear yard occupancy. Likewise, attempting to minimize the rear yard occupancy by moving the north wall further south would require extensive demolition and costly construction.

- 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?**

Construction of the proposed garage could occur without detriment to the public good and the Zoning Regulations. The structure would be only slightly closer to the centerline of the alley than what is required. The turning radius of vehicles entering the garage would not be severely diminished. Furthermore, the alley is 20 feet wide, wider than in many residential neighborhoods, and allowing ample vehicular maneuvering room. Also, the slight variance to rear yard occupancy would not result in an appreciable change to the amount of light or air available to the residents of this property or adjacent properties.

VI. HISTORIC PRESERVATION

The proposed design has received preliminary approval from the Historic Preservation Review Board.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing, the Office of Planning has received no comments on this application from other District agencies.

VIII. COMMUNITY COMMENTS

As of this writing, the Office of Planning has received no comments regarding the proposal from ANC 1D. The only comments received from neighbors are the letters of support already included as part of the record.

IX. ATTACHMENTS

1. Vicinity Map

JS/mrj
Matt Jesick, Project Manager

Attachment 1 Vicinity Map

