

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Paul Goldstein, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: July 23, 2013
SUBJECT: BZA Case 18611 - expedited request pursuant to § 3118 for special exception relief under § 223 to construct a rear detached garage at 5502 13th Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of special exception relief pursuant to § 223 from:

- § 403 (60% maximum lot occupancy, 70% is proposed).

II. AREA AND SITE DESCRIPTION

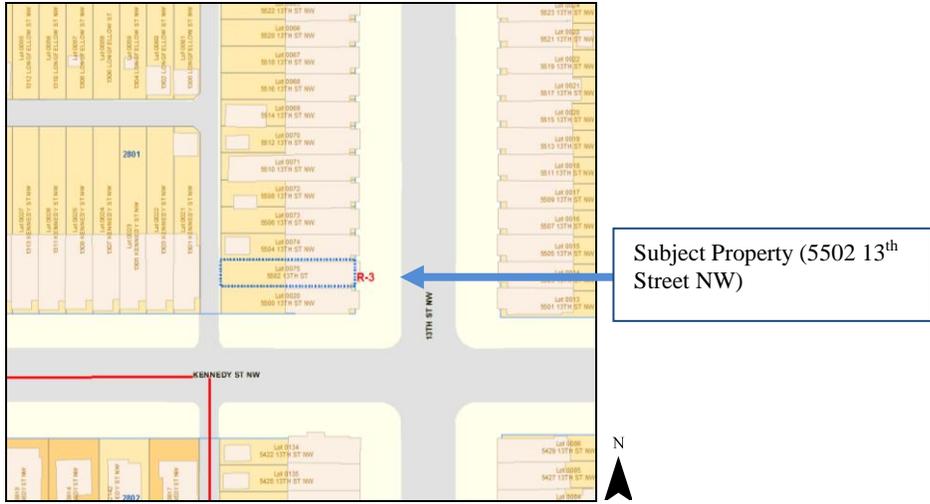
Address:	5502 13 th Street NW
Legal Description:	Square 2801, Lot 75 (the “Property”)
Ward:	4C
Lot Characteristics:	The Property is rectangular in shape and measures approximately 20' in width and 100' in depth. It has 1,976 square feet of land area. The Property abuts a 15' wide public alley to the west.
Zoning:	R-3: row dwellings
Existing Development:	There is an existing single-family row dwelling.
Historic District:	N/A
Adjacent Properties:	Row dwellings are adjacent to the Property to the north and south. To the Property’s west (across a public alley) and east (across 13 th Street) are also row dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood is characterized by a variety of housing types and commercial uses along Georgia Avenue NW and Colorado Avenue NW.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	William Lindsay
Proposal:	The Applicant requests a special exception to construct a rear detached private garage. The garage would measure 19'9" wide by 16'11" deep and 10' tall. It would total 334 square feet and extend property line to property line. The garage would be set back 4.5' from the rear property line and 12' from the alley center line.
Relief sought:	Special exception pursuant to § 223

IV. IMAGES AND MAPS





Aerial view of the subject site (outlined and identified)



View looking west across 13th Street NW (subject property identified); Source: OP (2009 image)

OP ANALYSIS

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

Private detached garages are a permitted use in the subject zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 403.

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 detached garage located in the rear yard should not unduly affect the light and air of neighboring properties. The addition is moderate in size and only 10' tall.

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

OP does not anticipate that the privacy of use and enjoyment of neighboring properties would be unduly compromised by the garage. In addition to the garage's restrained size, the application also indicates that an existing 6' fence already encloses the rear yard and provides privacy to adjacent properties.

- (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 proposed addition, as viewed from the alley, would be consistent with the existing architectural style of the dwelling and would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage.

- (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 submitted plans and photographs to represent the relationship of the proposed adjacent buildings and from public ways.

- 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.*

The proposed lot occupancy would be approximately 70%, which is permitted special exception in the subject R-3 zone.

- 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.*

OP makes no recommendations for special treatment.

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

Granting this request would not result in the introduction or expansion of a nonconforming use.

V. COMMUNITY COMMENTS/ANC

As reflected in a submission dated June 12, 2013, ANC 4C voted unanimously to support the application. The Applicant also conveyed that discussions with neighbors about the project have been favorable.