

MEMORANDUM

FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: November 17, 2015

SUBJECT: BZA Case 19108, 134 11th Street, N.E. - request for special exception relief under § 223 to allow the construction of a detached garage at the rear of the property at 134 11th Street NE

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2 lot occupancy (60% required, 69% proposed)

OP notes that the existing 1,512 SF property is non-conforming with respect to lot area.

II. LOCATION AND SITE DESCRIPTION:

Address:	134 11th St NE
Applicant	Jennifer and Lyle Vold
Legal Description:	Square 0965, Lot 0035
Ward:	6
Lot Characteristics:	The subject lot is 101 feet deep and 15 feet wide. There are public alleys to the south and west of the lot and at the back of the lot is a fence and gate to the rear alley.
Zoning:	R-4 – row dwellings and flats
Existing Development:	End unit row dwelling, permitted in this zone
Historic District:	Capitol Hill Historic District
Adjacent Properties:	The adjacent properties are row dwellings and across the alley are row dwellings.
Surrounding Neighborhood Character:	The surrounding blocks and neighborhood are primarily residential with row dwellings and small apartment buildings.



III. PROJECT DESCRIPTION IN BRIEF

The applicants propose to construct a one-story detached garage with a roof deck and exterior stairs to grade. They also propose to remove an existing deck from the rear of the house and add a new landing and stairs and new wooden privacy fencing.

IV. ZONING REQUIREMENTS

R-+ Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.)	40 ft. max.	27 ft.	no change	none required
Lot Width (ft.)	18 ft. min.	14.9 ft.	no change	existing non-conformity
Lot Area (sq.ft.)	1,800 SF min.	1,512 sq.ft.	no change	existing non-conformity
Floor Area Ratio	N/A			none required
Lot Occupancy	60% max.	55 %	69%	relief required
Rear Yard (ft.)	20 ft. min.	45.8 ft.	30.5'	none required
Side Yard (ft.)	N/A			none required

¹ Information provided by applicant.

V. 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.*

Row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §403.2 to construct a new accessory structure, a detached garage, that would increase the lot occupancy to 69%.

223.2 *The 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 light and air available to neighboring properties should not be negatively impacted by this rear addition. The rear alley is wide and many of the other houses on the alley have garages of similar size. Directly across the side alley, there is a two-story three-car garage, which is larger than the proposed building. The adjacent property owner on the north side has written a letter of support as have other neighbors (see Exhibits 27-30).

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised by the construction of this garage. The proposed one story garage is in keeping with the general pattern of house and garage footprints and rear yard open space along the alley. Because this is an end unit and is adjacent to an alley, there is no immediately adjacent neighbor to the south or west. Neighboring property owners have expressed support for the requested relief (see Exhibits 27-30).

(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 one-story garage would be located at the rear of the property but, because of the side alley, it would be slightly visible from 11th Street. The proposed garage would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage and there are many other existing garages along the back alley.

- (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 provided graphical representations, including site plans, architectural plans, and photographs to demonstrate the relationship of the proposed garage to adjacent buildings and views from public right-of-way.

- 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 69% in the R-4 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.*

No special treatment is recommended.

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

If granted, the relief requested would not permit the introduction or expansion of a nonconforming use.

VI. AGENCY COMMENTS

At the time of the staff report DDOT had not submitted comments.

The subject property is located within the Capitol Hill Historic District and the Historic Preservation Review Board will review this application on November 19, 2015.

VII. COMMUNITY COMMENTS

Neighboring property owners have submitted letters in support of the proposal (Exhibits 27-30).

This proposal will go to ANC 6A on November 12, 2015.