

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14242 of Marilyn S. Newton, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) and from the prohibition against a private garage abutting an alley being set back less than twelve feet from the center line of the alley to construct an accessory garage for an existing single family-dwelling in an R-5-B District at premises 2013 N Street, N.W., (Square 97, Lot 42).

HEARING DATE: January 30, 1985

DECISION DATE: February 6, 1985

FINDINGS OF FACT:

1. The subject property is located on the north side of N Street between New Hampshire Avenue and 21st Streets, approximately two blocks southwest of Dupont Circle, and is known as premises 2013 N Street N.W. It is zoned R-5-B.
2. The subject lot is narrow and rectangular in shape with a width of 17.5 feet and a depth of 100 feet.
3. The subject lot is currently improved with a three-story brick row dwelling which has been vacant for approximately two years and is currently being renovated by the applicant. The renovated dwelling will serve as the primary residence of the applicant and her husband.
4. The renovation will restore and preserve many of the original features of the structure such as flooring, woodwork and a circular stairway. The plans for the renovation have been approved by the Historic Preservation Review Board.
5. The applicant proposes to construct a two-car, one-story brick garage with a roof top deck at the rear of the subject site. The proposed garage will extend the full width of the lot. It would have a maximum depth of twenty-four feet and would be approximately 420 square feet in size.
6. The R-5-B District permits a maximum lot occupancy of sixty percent or 1,050 square feet for the subject lot. The lot occupancy of the existing structure and the proposed garage totals 1,370.63 square feet. A variance of 320.63 square feet or 30.5 percent is therefore required.

7. The Zoning Regulations require a garage to be set back at least twelve feet from the center line of the adjacent alley. The proposed garage abuts a 13.5 foot wide public alley providing a set back of 6.75 feet from the center of the alley.

8. The proposed garage will be located immediately adjacent to the rear lot line. As proposed, the garage will line up with an existing two-story garage immediately adjacent to the west at 2015 N St., N.W.

9. The proposed garage will have a ceiling height of eight feet, a maximum height of nine feet and a three foot railing around the roof top deck. The subject site slopes upward from the level of the alley. The floor of the garage will be graded to be level with the alley. The maximum height of the garage and railing will be twelve feet from the alley level.

10. Vehicular access to the proposed garage will be via the existing 13.5 foot wide public alley. The only access to the public alley is off 21st Street. Immediately east of the subject property, the alley narrows and veers south at a forty-five degree angle to dead end at approximately twenty-one feet from the northeast corner of the subject property. To the west of the subject site, the public alley widens to sixteen feet and branches to the north then angles through the center of the block before it dead ends behind a residence located at 2028 O Street, N.W. The proposed garage is located away from the main traffic pattern in the alley.

11. The applicant proposes to provide an automatic garage door on the alley side. Access to the rear yard will be by a small flight of steps and door at the rear of the structure. Access to the rooftop deck will be via a wrought iron circular staircase located in the rear yard at the southwest corner of the proposed garage.

12. The applicant testified that the alley has been the scene of drug activity, loitering and an abduction in the past. Since purchasing the structure, during the course of renovation, the structure has been broken into three times. The applicant is of the opinion that the proposed garage will enhance security for herself when arriving home late at night and for the residence itself when it is unoccupied.

13. The proposed structure will provide parking for two cars and will allow for the storage of trash and garbage inside the structure.

14. There is an existing masonry patio at the rear of the residence on the subject site. If the proposed garage

were set back the full twelve feet as required by the Zoning Regulations, it would impinge upon the existing patio and reduce the open space between the residence and proposed garage to less than six feet.

15. The applicant argued that the subject property is affected by an extraordinary situation based on the existence of and configuration of the historic structure on the property, the long and narrow shape of the site and the location of the lot at a unique juncture in the alley system. The Board so finds.

16. The applicant further argued that the strict application of the Zoning Regulations in this case would create a practical difficulty. Because of the narrowness of the lot, there is no other place to locate a garage on the site. Because the Historic Preservation Review Board has jurisdiction over the exterior design of the existing structure, it is not possible to demolish the existing improvements in order to rebuild a residence and garage which would be in compliance with the Zoning Regulations. The Board so finds.

17. The applicant was of the opinion that the requested relief could be granted without substantially impairing the intent, purpose or integrity of the Zoning Regulations. The proposed garage will not interfere with the traffic patterns in the alley. There will be no additional impact on light and air as the adjacent garage is two stories in height. The structure will improve the appearance of the alley and reduce adverse impact in that trash will be stored inside, discouraging odors and rodents in the alley. The Board concurs.

18. The record contains letters from the owners of adjacent and nearby property located at 2013, 2015 and 2017 N Street and 1301 21st Street in support of the application. The support was generally based on the increased security in the alley provided by the proposed garage and the provision of off-street parking which would lessen the burden on existing on-street parking in the area.

19. The Dupont Circle Citizen Associations (DCCA), by letter dated January 25, 1985, supported the application. The DCCA was of the opinion that the application should be granted because the proposed garage would not affect the use of the alley by trash and fire trucks, it would align with the adjacent garage and it has neighborhood support. The Board agrees.

20. Advisory Neighborhood Commission 2B made no recommendation on the subject application.

21. The owner of the adjacent property at 2011 N Street appeared at the public hearing and submitted a letter in opposition to the application. The opposition was generally based on the following:

- A. The proposed garage would obstruct light to the rear of 2011 N Street from an existing street lamp in the alley, creating a "dark pocket" at the rear of her property.
- B. The proposed construction would block access of natural light to the rear of her home to a limited extent.
- C. The proposed roof top deck would infringe on her privacy by providing an unobstructed view into her back yard and the rear of her residence.

22. The opposition indicated that she would not object to the construction of the proposed garage with the following conditions:

- A. The proposed garage not be set back toward the alley any further than the garage at 2015 N Street, N.W.
- B. The slab floor of the proposed garage be level with the floor of the garage at 2015 N Street, N.W.
- C. The roof of the proposed garage be a maximum of nine feet above the slab floor, which floor is level with the garage floor at 2015 N Street, N.W.
- D. No deck or other improvement is constructed on top of the proposed garage.

The Board finds that the garage, as proposed, complies with conditions A thru C above.

23. The opposition testified that the deck proposed for the roof of the proposed garage could alternatively be located atop the rear extension of the first floor of the existing residence without infringing on her privacy.

24. The Board notes the assignment of contract for purchase between the owners of 2011 N Street and the applicant, marked as Exhibit No. 20A of the record, Item D of which specifies as follows:

- D. Mrs. Newton, for herself and for her successors or assigns, agrees that so long as the Morgans occupy the residence at 2011 N Street, N.W., Washington, D.C., neither she, nor her successors or assigns,

shall construct upon the property a garage of more than one story the maximum height of which shall not exceed nine (9) feet from rear alley elevation; provided, that the roof of any such garage may be utilized as an uncovered deck so long as no part of such deck shall exceed in height the lesser of three (3) feet above the garage roof or twelve (12) feet above the rear alley. Mrs. Newton further agrees that upon transfer of the property by her, she shall obtain the agreement of the transferee(s) to the identical condition.

25. The Board finds that the relief requested deals solely with variances required to permit the construction of the proposed garage. The proposed deck is not a zoning consideration within the jurisdiction of the Board.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which required the showing of an exceptional or extraordinary condition of the property which creates a practical different upon the owner. The Board concludes that the narrowness and size of the subject site, and the configuration of the existing historic residence create an exceptional condition of the property and make it impractical for the applicant to provide garage space on site without the requested variances.

The Board further concludes that the proposed garage will not result in substantial detriment to the public good nor substantially impair the intent and purpose of the zone plan due to its location an the alley away from the main traffic patterns of the alley and the existence of an adjacent two-story garage. ACCORDINGLY it is ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris and Douglas J. Patton to grant; Patricia N. Mathews and Carrie L. Thornhill to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

23 APR 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO
DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN
DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL
RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING
ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS
AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH
PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE
OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND
REGULATORY AFFAIRS.

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