

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14474 of Joel Rosenberg, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the height limitation (Sub-section 7601.3), the number of stories limitation (Sub-section 7601.3), the lot occupancy requirements (Sub-section 3303.1), the floor area ratio requirements (Sub-section 7401.1) to construct an accessory two story garage (second floor for storage) in an R-5-B District at premises 1512 R Street, N.W., (Square 193, Lot 37).

HEARING DATE: September 17, 1986

DECISION DATE: October 1, 1986

FINDINGS OF FACT:

1. The subject property is located on the south side of R Street, N.W. between 15th and 16th Streets and is known as premises 1512 R Street, Northwest. It is in an R-5-B District.

2. The subject site is rectangular in shape with a width of 22.5 feet and a depth of 95 feet. The site contains 2,137.5 square feet.

3. The subject site is currently improved with a three-story plus English basement row dwelling constructed circa 1868. The dwelling serves as applicant's principal residence. The English basement serves as a residential rental accommodation.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicant is seeking area variances to construct a two-story masonry garage at the rear, or south portion, of the subject lot. That portion is currently paved and serves as a parking pad accommodating two automobiles. The proposed garage will extend the full width of the lot. It would have a maximum depth of 22 feet and would be approximately 495 square feet in size per floor.

5. The south portion of the site slopes upward from the level of a public alley. The floor of the proposed garage will be graded to be level with the alley.

6. Vehicular access to the proposed garage will be via the public alley. Access to the alley is off 15th

Street and off a public alley to the west of the site connecting the 1500 blocks of Corcoran and R Streets.

7. The applicant proposes to provide garage doors on the alley side of the proposed garage. Access to the rear yard will be via a door at the north side of the proposed garage. Access to the second floor of the proposed garage will be via a staircase to be situated to the inside rear portion.

8. The proposed structure will accommodate parking for two vehicles and will allow for the storage of trash and garbage inside. Space for storage, recreational, and other noncommercial uses by the applicant will also be provided.

9. The applicant purchased the subject property in 1975 and has lived in the dwelling since. He has expended considerable resources and effort renovating the dwelling and rental unit and he intends to continue residing in the dwelling. The applicant asserted that his use and enjoyment of the subject premises have been compromised by several incidents of crime and antisocial behavior. Such incidents include theft of personal property from the rear yard, burglary and vandalism to applicant's automobile while parked on the premises, the mugging of a guest on a nearby street, and drug and prostitution activity on the portion of the premises proposed as the site for the garage.

10. The proposed garage is intended to significantly alleviate problems cited in the above finding. The garage would provide physical security for the applicant's automobile and for another belonging to his tenant, a guest, or a neighbor. The construction of a garage across the entire width of the subject premises would result in a physical barrier to intruders seeking access to the rear yard.

11. The second floor to the proposed garage is needed by the applicant to accommodate his storage and recreational requirements. The dwelling is 40 feet deep and is flat across the rear wall. Each of the three floors of the dwelling is basically composed of two rooms, with a dining room and kitchen on the first floor, a living room and bedroom on the second, and a study and bedroom on the third. There is no practical space in the dwelling to store such items as snow tires, automobile tools, woodworking equipment, and garden and bar-b-que implements. If the applicant were to construct an addition to the dwelling for storage and recreational activities, it would block off significant light and ventilation to the kitchen on the first floor and render the rear portion of the English basement apartment much less usable due to the decrease in light. Such an addition would significantly reduce the

utility of the rear yard and would cost approximately \$30,000 to construct.

12. The requested variance from the lot occupancy requirement is needed to make the proposed garage feasible. The space is needed within the structure itself to account for ingress and egress to and from the narrow alley.

13. The requested variances from the second story and height limitations are requested to accommodate the applicant's storage and recreational needs.

14. To reduce the size of the proposed second floor would require costly design modification and increased construction costs while reducing badly needed storage and recreational space. The proposed first floor would be eight feet high. An additional foot would be needed to account for the floor system of the second level. Two feet would be needed for an adequate slope of the roof and another foot would be needed to account for the thickness of the roof system. This would leave a net interior ceiling height on the second floor of 11 feet.

15. The applicant proposes to set up a wood shop for power tools on the second floor of the structure. He will be working with long sections of wood while fabricating items such as furniture and panelling for his dwelling. The 11 foot ceiling will provide a safety margin.

16. The construction of the proposed garage consistent with the set back requirement would mean that there would be a 7 foot vacant space between the rear of the garage and the public alley. There would be no practical use for such a space which would tend to collect litter. Such a location of the garage would result in significant reduction of light to adjacent rear yards immediately to the east and west of his premises. The distance between the proposed garage and the neighboring dwellings would be reduce 24 to 18 feet and from 16.5 to 10.5 feet, respectively.

17. The proposed structure will not further restrict the use of the alley by vehicles as both ends of the alley are limited to ten foot widths due to existing structures. Also, utility poles and fences along the alley limit its width.

18. Several owners and residents of neighboring properties submitted statements that they had reviewed the plans of the proposed garage, that they were aware of the variances requested, and that they supported the application. Included among those submitting statements of support in writing were owners and occupants of most properties abutting the alley. Also included were the

owner-occupants of properties immediately adjacent to the subject premises on the east, west, and south.

19. By letter dated September 17, 1986, Advisory Neighborhood Commission (ANC) 2B reported that it passed a motion supporting the application with the conditions that no plumbing for a bathroom or kitchen be installed and that the height of the proposed garage be limited to 18 feet. The applicant testified before the Board that he had no objection to the proposed restrictions on plumbing. The Board concurs with the general recommendation of the ANC but finds that the reasoning for the requested height was cited in Finding of Fact No. 18 above.

20. A resident of the general area testified in opposition to the application on the grounds that the site is not unique, does not present a practical difficulty to the owner and the addition will block the alley. The Board finds that the structure will not further restrict vehicular circulation in the alley and that the site is affected by unique conditions as discussed below.

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 variance relief. The granting of such relief requires a showing of a practical difficulty upon the owner arising out of some exceptional or extraordinary condition inherent in the property itself. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose or integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board concludes that the applicant has met this burden of proof. Subsection 7601.3 provides that an accessory building in the R-5-B District shall not exceed 15 feet in height. The applicant proposes a garage of 23 feet in height and is therefore seeking variance relief of eight feet. Subsection 7601.3 provides that an accessory building in the R-5-B District shall not exceed one story in height. The applicant proposes a two-story garage and is therefore seeking variance relief for a second story. Subsection 3303.1 provides for a maximum lot occupancy of 60 percent in the R-5-B District. The subject lot is 2,137.5 square feet. The existing row dwelling occupies 900 square feet. The proposed garage would occupy 495 square feet. Applicant therefore is seeking variance relief of 112.5 square feet.

Subsection 3302.1 provides for a maximum Floor Area Ratio (FAR) of 1.8 in the R-5-B District. The existing row dwelling contains 3,600 square feet. The proposed garage will contain 990 square feet. Applicant therefore is

seeking variance relief of 742.5 square feet. Subsection 7401.1 provides that a private garage which is an accessory building in the R-5-B District shall be set back at least 12 feet from the center line of an alley on which it opens. The applicant proposes to set back the garage six feet from the center line of the public alley and is therefore seeking variance relief of six feet. The site is in a neighborhood subject to criminal and antisocial behavior, including prostitution, drug activity, and burglary and theft. The applicant has presented evidence that by virtue of this he has been adversely affected.

The proposed garage will provide more security for the site by limiting access to the rear yard and the automobiles parked on the site. The applicant has demonstrated that because of the limitations of the existing structure additional space for storage and recreation is needed. The garage and second story are the most practical response to provide the needed space. If the addition were adjacent to the structure it would block the light and air to the basement apartment unit causing it to be in violation of the building code requirements. The Board further concludes that the requested relief can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and will not tend to adversely affect the use of neighborhood property. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as exhibit No. 10 of the record.

VOTE: 4-0 (William F. McIntosh, Paula L. Jewell, and Carrie L. Thornhill to grant; Patricia N. Mathews to grant by proxy; Charles R. Norris not voting not having heard the case).

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

ATTESTED BY: 
EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: OCT 28 1986

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."

Application No. 14474
Page 6

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.

14474order/DON25