

	<p align="center">ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA <i>CATHEDRAL HEIGHTS • CLEVELAND PARK •</i> <i>MASSACHUSETTS AVE. HEIGHTS</i> <i>MCLEAN GARDENS • WOODLEY PARK</i></p>
<p><i>Single Member District Commissioners</i> 01-Lee Brian Reba * 02-William Kummings * 03-Anne Marie Birstow 04-Roger Burns * 05-Leila Afzal * 06-Trudy Reeves * 07- Victor Silveira 08-Catherine May * 09-Nancy MacWood</p>	<p align="right">4025 Brandywine Street, NW Washington, DC 20016-1843 Website http://www.anc3c.org Email all@anc3c.org</p>

ANC 3C Resolution No.2010-012

**To approve a variance to allow an old garage for a single-family home
to be replaced with a new garage**

WHEREAS the applicant regarding Board of Zoning Adjustment Application #18072 is seeking a special exception and variances to construct a garage at 2745 Macomb Street, NW; and

WHEREAS said applicant is seeking a Special Exception from Section 223.1 to permit a garage addition on residential property in a R-5-A residential zone; and

WHEREAS the need for zoning relief arises in part because the original garage on the property was demolished as part of a project to replace the original garage while that original garage was permitted and lawfully established as a matter of right; and

WHEREAS changes to the zoning regulations since the original garage was built now require a special exception to construct any accessory parking garage (Sec. 351.1(a)) even though the proposed new garage is essentially the same size as the original garage and meets the dimensional requirements for garages; and

WHEREAS a special exception for zoning relief is also required because the proposed garage would increase the lot occupancy to 47% when 40% is the maximum allowed in R-5-A residential zone districts (Sec. 403.2); and

WHEREAS additional zoning relief in the form of a variance is required because the principal structure on the property exceeds the maximum allowable floor area ratio (FAR) by 0.1 when 0.9 is the maximum allowed (Sec. 402.4) and the construction of the garage would further increase the non-conformity to 13% (Sec. 2001.3(b)(2)); and

WHEREAS further variance relief is required because the proposed free standing garage would not meet the minimum setback from the center of the abutting alley in the R-5-A residential zone district when the minimum is 12 feet and the garage would be 7.5 feet from the center of the alley; and

WHEREAS in comparison to the garage of the adjacent neighbors at 2739 Macomb St. NW which was grandfathered in to the old zoning regulations, the edge of that garage is flush even with the pavement of the abutting alley, while the edge of the proposed garage would be set back more than one foot from the pavement of that abutting alley; and

WHEREAS the applicant's neighbors have similarly sized accessory structures accessed from the alley even though those properties share many of the area lot restrictions that are outlined in the application and this resolution; and

WHEREAS ANC 3C finds that garages are useful accessory structures on residential properties and that they can relieve the demand for scarce on-street parking spaces; and

WHEREAS a variance is also required because no more than 30% of the area of a required rear yard on any lot may be occupied by an accessory structure (Sec. 2500.3) and the garage would increase the amount of rear yard occupation to 37%; and

WHEREAS the standard for granting a special exception in this case relies on applying the regulatory standards and criteria that apply to the entire use and not just the proposed garage (Sec. 3104.3); and

WHEREAS the standard for granting the variances relies on the 3-prong test:

- are there exceptional topographical conditions, or
- is there an extraordinary or exceptional situation or condition presented by the property, or
- would applying the zoning regulations result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, and when these conditions are met could relief be granted without causing substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zoning regulations and map; and

WHEREAS the current zoning requirement that a garage must have a minimum parking pad of 19 feet by 9 feet (Sec. 2115.1) would preclude the building of any garage on this lot that could accommodate the size of the property owner's car;

THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 3C ("ANC 3C") finds that this disallowance of building any garage on this lot would be a peculiar and exceptional practical difficulty to and an exceptional and undue hardship upon the owner of the property; and

BE IT RESOLVED that ANC 3C supports the granting of special exception and variance relief as proposed in this application; and

BE IT RESOLVED that ANC 3C finds that the granting of this relief will not adversely impact the applicant's neighbors or cause any detriment to the public good or injure the integrity of the zoning regulations; and

BE IT FURTHER RESOLVED that ANC 3C authorizes the Chair, Commissioner Burns, Commissioner MacWood, or their designee(s) to represent the Commission on this matter.

Attested by

Chair, on May 17, 2010



Anne-Marie Bairstow

This resolution was approved by a vote of 9-0 on May 17, 2010 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.