



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: February 8, 2011

SUBJECT: BZA Case 18169 - request for special exception relief under § 223 to construct an addition to an existing one-family semi-detached dwelling, and an area variance for the construction of a detached garage at 3411 Prospect Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this application pursuant to § 223, to permit a rear addition to a one-family semi-detached dwelling at 3411 Prospect Street, N.W., requiring special exception relief as follows:

- § 405.9, to allow a side yard of 2.4 feet (minimum 8 feet required);
- § 2001.3, to allow for the enlargement of a nonconforming structure.

The Office of Planning also recommends **approval** of the request for variance relief from the provisions of § 2300.2(b) to reduce the distance from the centerline of a public alley from 12 feet to 9 feet for the construction of a detached garage.

The existing lot is nonconforming for lot area and lot width.

II. LOCATION AND SITE DESCRIPTION:

Address	3411 Prospect Street, N.W.
Legal Description	Square 1221, Lot 831
Ward	3
Lot Characteristics	Rectangular lot with alley access and two mature magnolia trees in the rear yard
Zoning	R-3 – row dwellings
Existing Development	One-family semi-detached dwelling and detached garage, permitted in this zone
Historic District	Georgetown
Adjacent Properties	One-family semi-detached and detached dwellings
Surrounding Neighborhood Character	Apartments and one-family dwellings. Georgetown University is less than one block to the west.

III. PROJECT DESCRIPTION IN BRIEF

The applicants propose to construct a three-level addition onto the rear of the existing two-story dwelling, maintaining the existing 2.4-foot west side yard. Two of the levels would be above grade, with the third a



new basement extending below the existing structure. No basement currently exists. A patio would be constructed within the rear yard. A stairwell would provide access to the rear yard from the new basement. At the rear of the property is a ten-foot wide public alley. The applicants propose to demolish the existing detached garage, which was constructed in the 1920's and is set back 10 feet, 8.5 inches from the centerline of the alley. In its place the applicants propose to construct a garage with a nine-foot set back from the centerline of the alley or one-foot, 8.5 inches closer to the centerline of the public alley than the existing garage. The existing rear wall of the garage, facing into the rear yard, would be retained and incorporated into the new structure. The application indicates that shifting the garage into the rear yard would endanger two mature magnolia trees in the rear yard that the applicants propose to preserve.

The Old Georgetown Board (OGB) approved the proposal in concept at its meeting on October 21, 2010. OGB conditioned the approval on no damage to the root zone of the rear yard Magnolia tree and recommended the extension of the garage to the north to align with other garages on the alley.



Zoning and Vicinity Map

IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief
§ 400 Height (max)	40 ft/3 stories	24 ft, 3 in/2 stories	24 ft, 3 in/2 stories	None required
§ 401 Lot Width (min)	30 ft	17 ft, 6 in	17 ft, 6 in	Existing Situation
§ 401 Lot Area (min)	3,000 SF	2,105 SF	2,105 SF	Existing Situation
§ 404 Rear Yard (min)	20.0 ft	77 ft, 8 in	69 ft, 5 in	None required
§ 405 Side Yard (min)	8 ft	2 ft, 4 in	2 ft, 4 in	Relief required
§ 2300.2 Private Garage (min)	12 ft from alley centerline	10 ft, 8.5 in from centerline	9 ft from centerline	Relief required

V. 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.*

Semi-detached dwellings are a permitted use in this zone. The applicants are requesting special exception relief under § 223 from the requirements of §§ 403 and 405.

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 proposed building addition would be located within the rear yard. It would not extend beyond the rear wall of the dwelling to the east at 3409 Prospect Street, but would extend seven feet beyond the rear wall of the dwelling to the west, at 3411 Prospect Street. A shadow study submitted as a part of the application indicates that there would be increased shade in the rear yard of 3413 between the hours of 9:00 a.m. and 12:00 noon, from March to September, but that the rest of the day would be unaffected. Although there would be an increase in shade during the morning hours during the summer months, the proposed addition would not result in a lack of light into the adjoining rear yard. Similarly, OP does not find that the building addition, reducing the rear yard to 69 feet, 5 inches and more than three times the minimum 20-foot requirement, would prevent air flow into the rear yard. Therefore, light and air available to neighboring properties should not be unduly affected.

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

The proposed building addition would have no windows on either side of the structure with direct views into the rear yards of neighboring properties. Two windows are proposed on the west side wall facing the party wall of 3413, but not facing into any neighboring yards. Therefore, privacy of use and enjoyment of neighboring properties should not be unduly compromised.

(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 addition would not substantially intrude upon the character, scale and pattern of houses along the alley. It would be residential in appearance and consistent with existing surrounding development.

(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 applicants submitted plans, photographs, elevation drawings and a shadow study in support of the application.

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 application requests a lot occupancy of 60 percent, less than the maximum permitted within the R-3 district.

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.*

The Office of Planning recommends that drip line fencing be installed around each of the two Magnolia trees within the rear yard for the protection of their root systems.

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

The requested relief would not result in the introduction or expansion of a nonconforming use.

VI. AREA VARIANCE TO § 2300.2(b) – Private Garages

Section 2300.2(b) sets the minimum set back for a detached garage opening onto an alley at twelve feet from the centerline of the alley. The subject application proposes to reduce this set back to nine feet from the centerline of the ten-foot wide alley, or four feet back from the rear lot line. It would also be aligned with the alley side existing garage on the adjoining property to the east. No part of the garage would extend into public space.

Uniqueness

The subject property contains two mature magnolias within the rear yard, the closer of which is located five feet from back wall of the existing garage. The applicants propose to retain these two trees, as recommended by OGB. Shifting the garage back further into the rear yard could endanger the health of these trees or require their removal. Instead the applicants propose to extend the garage closer to the alley to achieve a minimum of depth of approximately twenty feet.

Undue Hardship

Provision of the twelve foot setback from the centerline of the alley would result in a garage approximately eleven feet in depth, insufficient for the provision of one parking space. Although the rear yard is of sufficient size to allow for the garage to extend into the rear yard, this could only be accomplished at the potential detriment of the two mature Magnolia trees in the rear yard, which are located a minimum of five feet away. Therefore, it would be an undue hardship to require the applicants to either construct a garage not of sufficient size to accommodate one parking space, or to endanger or require the removal of mature landscaping.

Intent of the Zone Plan

The requested variance would not substantially impair the intent, purpose and integrity of the zone plan. The garage would be in conformance with all other provisions of the Zoning Regulations. The granting of this variance would permit the construction of a detached garage to accommodate the parking of one vehicle for a semi-detached dwelling.

VII. COMMUNITY COMMENTS

ANC 2E, at its regularly scheduled meeting on January 3, 2011, voted not to support the application.

Five letters in support of the application were received from surrounding property owners, including from the adjoining neighbor to the east at 3409 Prospect Street, and the owner of the adjoining garage to the west.

VIII. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in an email to the Office of Planning dated February 1, 2011, indicated that it had no objections to the application.

DPW, in an email to the Office of Planning dated February 2, 2011, stated that the proposal would not affect their services.

FEMS informed the Office of Planning on February 2, 2011 that they had no issues with the application.

IX. RECOMMENDATION

The Office of Planning recommends **APPROVAL** of the following:

- **A special exception pursuant to § 223** to increase the lot occupancy to 60 percent and reduce the side yard to 2.4 feet;
- **An area variance pursuant to § 2300.2(b)** to reduce the setback of a detached garage from centerline of the alley it opens onto from twelve feet to nine feet

subject to the following condition:

That the applicants install drip line fencing around each of the two Magnolia trees within the rear yard, to be maintained throughout the construction process.

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin, AICP