

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Paul Goldstein, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** December 11, 2012  
**SUBJECT:** BZA Case 18488 - expedited request pursuant to § 3118 for special exception relief under § 223 to construct an addition to an existing detached dwelling at 4764 Reservoir Road NW

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 404 (minimum rear yard of 25' is required, 5.5' is existing, the new additions would be 8' from the rear lot line)

Although not requested, should the Board determine that relief for non-compliance with § 2001.3 is needed, OP would be supportive of the relief request.

OP also notes it has not received any submissions from the ANC or neighbors at the date of this report.

**II. AREA AND SITE DESCRIPTION**

Address:	4764 Reservoir Road NW
Legal Description:	Square 1371, Lot 34 (hereinafter, the "Property")
Ward:	3D
Lot Characteristics:	The Property is roughly triangular in shape with approximately 96' of frontage along Reservoir Road. It has approximately 2,270 square feet in land area. The Property slopes downward toward the rear lot line and does not abut a public alley.
Zoning:	R-1-B: detached dwellings
Existing Development:	There is an existing two-story detached dwelling, with a partly subterranean garage accessed from Reservoir Road.
Historic District:	N/A
Adjacent Properties:	To the east of the Property is a two-story detached dwelling. To the southwest, the Property borders the rear yards of two-story detached dwellings. Across Reservoir Road to the north are three-story detached dwellings.
Surrounding Neighborhood Character:	The Square is mostly characterized by detached dwellings zoned R-1-B. About half a block to the northwest of the Property is the Lab School of Washington.

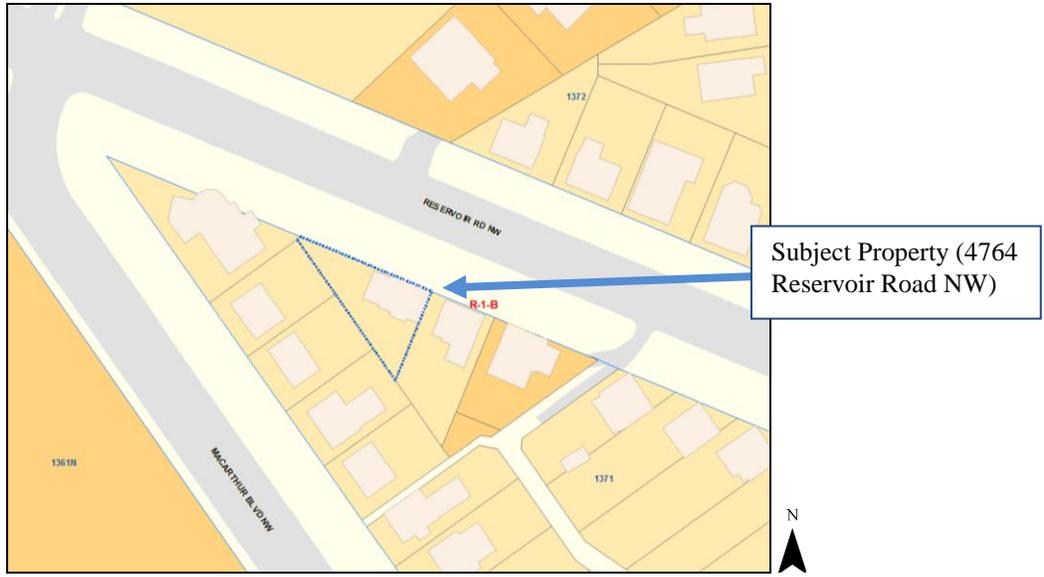
**III. PROJECT DESCRIPTION IN BRIEF**

Applicant:	Brendan Reilly
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Proposal:	The Applicant requests special exception relief to permit the expansion of an existing detached dwelling. A new two-story addition (plus basement) would be located on the dwelling's west side and a one-story addition (plus basement) and deck would be located on the dwelling's south side. Due in part to the Property's shallow depth, the new additions would encroach into the already non-conforming rear yard but would extend no closer than 8' from the rear lot line. The partly below-grade vehicular parking space would be retained.
Relief sought:	Special exception pursuant to § 223

**IV. IMAGES AND MAPS**



Aerial view of the subject site (outlined)



View of the site looking south across Reservoir Road NW.  
Source: Google Maps 2009.

**V. ZONING REQUIREMENTS**

The following table, which reflects information supplied by the Applicant, summarizes relevant zoning requirements for the project and the relief requested.

R-1-B Zone	Regulation	Existing	Proposed	Relief:
Lot Area (sq.ft.) § 401	5,000 sq. ft. min.	3,270 sq. ft.	3,270 sq. ft.	Existing non-conforming condition; no change proposed
Lot Occupancy § 403	40% max.	26%	35%	Conforms <sup>1</sup>
Rear Yard (ft.) § 404	25 ft. min.	5.5 ft.	5.5 ft.; proposed additions would be set back 8 ft.	<i>Relief requested</i>
Side Yard (ft.) § 405	8 ft. min.	5 ft. (east) >8 ft (west)	5 ft. (east) >8 ft (west)	Existing non-conforming condition; no change proposed

**VI. 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.*

Single family uses are a permitted use in the subject zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 404.

*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 proposal should not unduly affect the light and air to neighboring properties. The additions would be fairly restrained in height, set back a minimum of 8' from the rear property line, and located a considerable distance from the dwellings to the south. The additions also would have a side setback of 8' from the adjacent lot to the east.

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

OP anticipates that the additions would be located more than 20' away from the dwellings to the south, and there is substantial existing tree canopy providing shade and privacy. OP does not anticipate that the privacy of use and enjoyment of neighboring properties would be unduly compromised.

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<sup>1</sup> The Applicant has indicated that the rear deck has been counted in the proposed lot occupancy calculation.

- (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 addition, as viewed from the street, would be consistent with the existing architectural style of the dwelling and would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage.

- (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 submitted plans and photographs to represent the relationship of the proposed addition to adjacent buildings and from public ways.

- 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 measures 35%, which is permitted in the subject R-1-B 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.*

OP makes no recommendations for special treatment.

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

Granting this request would not result in the introduction or expansion of a nonconforming use.

## **VII. COMMUNITY COMMENTS/ANC**

To date, OP has not received submissions from ANC 5B or neighbors.

## **VIII. AGENCY COMMENTS**

DDOT submitted a memorandum, dated December 3, 2012, expressing no objection to the application.