



MEMORANDUM

TO: Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director
DATE: December 1, 2009
SUBJECT: BZA Application #18004 – 3416 Garfield Street, NW
Square 1941, Lot 37

I. OP RECOMMENDATION

The Office of Planning **recommends approval** of the requested relief to increase lot occupancy from 39.1% to 40.1% pursuant to §§1515 and 223.

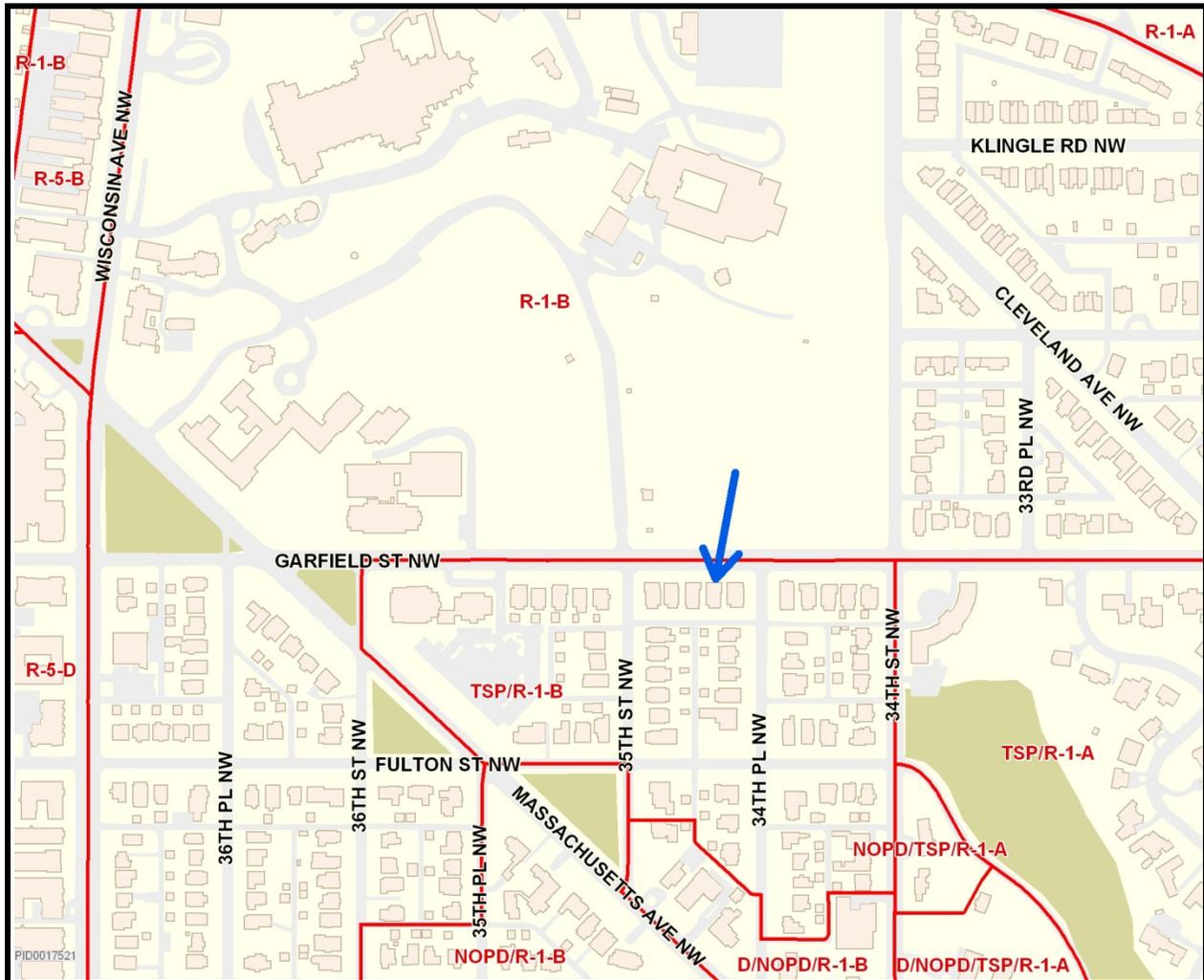
II. APPLICATION-IN-BRIEF

Applicant: Joan Aghevli, property owner
Zoning: TSP / R-1-B (Tree and Slope Protection Overlay / Residential)
Proposal: Construct a 54 square foot, one story addition to an existing single family detached residence.

III. SITE AND AREA DESCRIPTION

Property: Square 1941, Lot 37
ANC: 3C

The subject property is on the south side of Garfield Street, NW, between 34th Place and 35th Street. It is across Garfield Street from the grounds of the National Cathedral and its associated institutions. The site is developed with a single family detached home with a detached garage accessed from the rear alley. The property is screened by significant landscaping, both in public space and on private property. The surrounding neighborhood is, aside from the aforementioned National Cathedral and grounds, largely developed with single family detached houses.



IV. ZONING

The site is zoned TSP / R-1-B. The Tree and Slope Protection (TSP) Overlay is intended to preserve natural topography and mature trees and prevent adverse impact to open space, stream beds or other environmentally sensitive areas (§1511.3). The overlay also intends to maintain the character of the neighborhoods in which it is applied (ibid.). The TSP Overlay limits lot occupancy, impervious surface and removal of trees. The table below lists the zoning requirements of both the R-1-B zone and the TSP Overlay.

Item	Existing	Section	R-1-B	Section	TSP Overlay	Proposed	Relief
Height	Not provided	400	40' 3 stories			No Change	Conforming
Lot Area	5,000 sf	401	5,000 sf			No Change	Conforming
Lot Width	50'	401	50'			No Change	Conforming
Lot Occ.	39.1% 1,955 sf	403	40%	1513.1	30%	40.1% 2009 sf	Required
Rear Yard	29.6'	404	25'			No Change	Existing
Side Yard	8.5' & 7.5'	405	8'			No Change	Existing
Courts	6' wide 9' deep ~25' tall	406	Min. Width = 4" per ft. of height, min. 6'			6' wide 9' deep ~11' tall	Conforming
Impervious Surface	Not Provided			1513.2	50%; But shall not preclude enlargement of existing residence	Not Provided	Not Required

V. ANALYSIS

In order to increase the lot occupancy on the site from 39.1% to 40.1%, the application must meet the criteria of both §1515 (the Tree and Slope Protection Overlay) and §223 (Additions to Single Family Dwellings or Flats).

1515.1 Any exception from the requirements of this chapter shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, in accordance with § 3104, and subject to the following requirements:

- (a) **Tree removal, grading, and topographical change shall be limited to the maximum extent consistent with construction of a building permitted by the standards of this chapter;**

No trees would be removed to make room for the proposed addition. Construction of the foundation for the small addition will have minimal impact and should not disturb the root systems of any trees. The finished grade around the addition would be the same as at present.

- (b) **The applicant shall demonstrate that there are specific physical characteristics of the lot that justify the exception;**

The subject property has a lot occupancy above the limits of the TSP overlay. The 54 square foot, one story addition will slightly increase the lot occupancy, but the fencing, landscaping, and detached garage will result in very little if any visual impact to nearby properties. The lot is

generally flat, so the small amount of construction will not impact steep slopes. No trees will be impacted by the construction.

- (c) **The excepted building and overall site plan of the lot shall be generally consistent with the purposes of the TSP Overlay District and not adversely affect neighboring property; and**

The proposed 54 square foot addition would be consistent with the intent of the TSP Overlay. The overlay intends to protect sensitive environmental areas and maintain the wooded character of neighborhoods. The small size of the addition would not change the overall appearance of the subject property, damage any trees or cause any trees to be removed, or otherwise damage sensitive environmental areas.

- (d) **The Board may impose requirements as to design, appearance, tree protection practices during construction, buffering, and other requirements as it deems necessary to achieve the purpose of this chapter, and may vary side and rear yard requirements in order to achieve the purposes of this chapter.**

The Office of Planning recommends no extra conditions be applied to the application. The proposal would have no adverse affects due to design or appearance, and no negative impacts on trees in the vicinity.

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, ... 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.

The subject property is developed with a single family detached house, a permitted use in this zone. The Applicant is requesting special exception relief under §223 from the requirements of §403, Lot Occupancy. The lot occupancy is proposed to increase from 39.1% (1,955 sf) to 40.1% (2,009 sf).

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 small first floor addition would not impact light or air to adjacent properties.

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

The addition will only be one story tall and will not increase the window or door surface area on that side of the house. Two existing windows and a west-facing door would be replaced by one window and one south-facing door in the new addition. An existing fence will also remain and help to shield the addition.

- (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 will not intrude on the character or scale of the neighborhood. The 54 square foot addition will not be visible from Garfield street because of the presence of an evergreen tree and shrubbery near the front of the house. The addition will probably not be visible from the rear alley because of the existing fences behind the houses in the neighborhood and because of existing trees. The addition has been designed to be in character with the existing house.

- (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 has supplied plan drawings, elevations and photographs sufficient to represent the proposed addition.

- 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 is 40.1%.

- 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 no special conditions be applied to the proposal.

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

The use of the subject property will continue as a single family residence.

Second Floor Court

The Office of Planning discussed with the Zoning Administrator the possibility that court relief would be required for the empty volume of space above the proposed addition. The recessed corner of the house into which the new addition would be constructed constitutes a court. The existing court is approximately 25 feet tall and would require a width of eight feet four inches. The court is non-conforming at only six feet in width. But the proposed construction would reduce the height of the court to approximately 11 feet. The new height would only require a six foot width, and would make the remaining second floor court conforming. After further analysis, therefore, OP feels that court relief is not required.

VI. HISTORIC PRESERVATION

The subject property is not located in an historic district.

VI. OTHER DISTRICT AGENCY REPORTS

The Office of Planning has not received reports from any other District agency.

VII. COMMUNITY COMMENTS

As of this writing, the Office of Planning has received no comments regarding the proposal from neighbors or from ANC 3C.

JS/mrj

Matt Jesick, Project Manager