



MEMORANDUM

TO: District Board of Zoning Adjustment

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

DATE: December 15, 2009

SUBJECT: BZA Case No. 18011 - Request for a special exception under § 223 and an area variance under § 401.3 to construct a two-story addition to an existing single-family home at 4419 45th Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of special exception relief pursuant to § 223 and area variance relief pursuant to § 401.3 to permit a two-story rear addition to an existing single family detached dwelling on an existing tax lot.

Although Applicant's December 4, 2009 supplemental submission requested lot area and width variance relief pursuant to § 2001.3 to facilitate the conversion of the tax lot to a lot of record, OP believes that the appropriate variance relief should be from § 401.3 and has reviewed the application accordingly.

II. AREA AND SITE DESCRIPTION:

Address:	4419 45 th Street N.W.
Legal Description:	Square 1591, Lot 830
Ward/ANC:	3/3E
Lot Characteristics:	The lot is trapezoidal in shape and measures, on average, approximately 40' in width by 97' in length, totaling 3,681 square feet. The lot fronts 45 th Street to the west and an improved 16' wide public alley to the south.
Zoning:	R-1-B: single-family detached dwellings
Existing Development:	There is an existing two-story single family detached dwelling, which is a permitted use in this zone.
Historic District:	N/A
Adjacent Properties:	To the north are existing two-story single family detached dwellings. To the east is the rear yard of a property fronting Alton Place N.W. To the south, across the alley, are the rear yards of single family detached dwellings that front Yuma Street N.W. To the west, across 49 th Street, are single family detached dwellings.
Surrounding Neighborhood Character:	Square 1591, and the neighborhood more generally, is characterized by single family residential use and is typically zoned R-1-B.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Jenny Yang and Kil Huh
Proposal:	The Applicant proposes to construct a two-story addition at the rear of the existing single family detached dwelling. The addition would measure approximately 20' deep, 28' wide, and 31' high. The addition would extend an existing non-conforming 4' side yard adjacent to the alley. A deck, measuring less than 4' in height, would be located off the rear of the addition.
Relief Sought:	§ 223 – addition to a single family dwelling § 401.3 – non-conforming to minimum lot area and width



IV. IMAGES AND MAPS



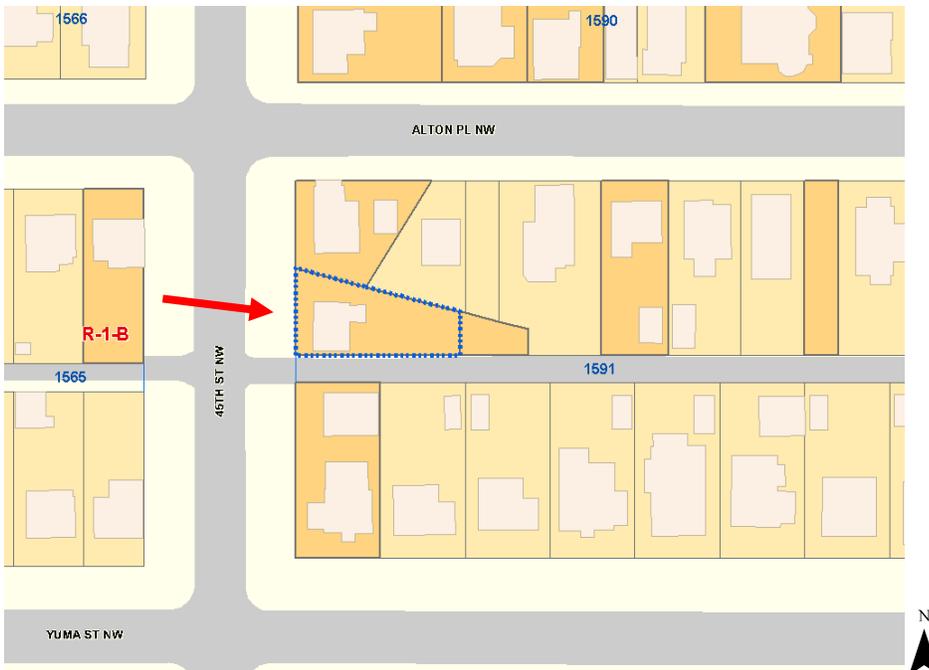
Aerial view of the site



View looking east along alley and at the south side of subject Property



View looking at rear of subject Property



Aerial view of the site (subject Property outlined in blue)

V. ZONING REQUIREMENTS

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

R-1-B Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 400	40' max. 3 stories max.	< 40' 2 stories	< 40' 2 stories	None-required
Lot area (sq. ft.) § 401	5,000 sq. ft. min.	3,681 sq. ft.	3,681 sq. ft.	Existing non-conformity; relief required to convert to a record lot
Lot width (ft.) § 401	50' min.	~ 40' ¹	~ 40'	Existing non-conformity; relief required to convert to a record lot
Lot occupancy (building area/lot) § 403	40% max. 50% by special exception	17%	31%	None required
Rear yard (ft.) § 404	25' min.	65'	45'	None required
Side yard (ft.) § 405	8' min.	4' and 8'	4' and 8'	Relief needed: extension of an existing non-conforming 4' side yard
Parking spaces (number) § 2101	1 min.	0	0	None required

VI. OFFICE OF PLANNING ANALYSIS

The Applicant is requesting special exception relief under § 223 to accommodate an addition that extends and continues a non-conforming side yard on a substandard sized lot. Additionally, after consultation with the Office of the Attorney General, OP recommended that the Applicant request area variance relief from lot area and width (§ 401.3) to facilitate the creation of a lot of record, which would be required to obtain necessary building permits.

Special Exception: § 223

§ 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 detached dwellings are a permitted use in R-1-B zones. The Applicant is requesting special exception relief under § 223 for an addition that does not comply with all of the requirements of lot area and width (§ 403), side yard (§ 405), and for nonconforming structures devoted to conforming uses (§ 2001.3). The rear addition would extend an existing 4' wide non-conforming side yard for about an additional 20'.

§ 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:

¹ The 40' width figure is an estimated average width of the Property. Along 45th Street, the Property is about 51' wide. At the rear of the Property, the lot measures approximately 25'. As provided in the definition of "lot, width of", the width is "the distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines."

(a) The light and air available to neighboring properties shall not be unduly affected.

Light and air available to neighboring properties should not be unduly affected by the proposal. The two-story addition would maintain the minimum 8' setback on the dwelling's north side. OP further estimates that addition would be separated from the residential dwellings to the north by approximately 25' (4421 45th Street) and 35' (4450 Alton Place). Similarly, the neighboring properties to the south, which are separated by a 16' wide alley, should not be adversely affected.

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

The addition should not have an undue impact on the privacy of use and enjoyment of neighboring properties. As addressed above, the two-story addition would be set back considerable distances from neighboring dwellings.

(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.

While there would be limited visibility of the addition from 45th Street, the addition would be seen from the abutting alley. Nevertheless, the addition would not be inconsistent with the character, scale, and pattern of dwellings along the alley.

(d) In demonstrating compliance with (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 view from public ways.

The Applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

Lot area and lot width

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The Property has traits that exhibit a specific uniqueness. The Property was created on June 22, 1948, prior to the adoption of the 1958 zoning regulations, with a substandard lot area and width. The existing dwelling was constructed in 1950. The lot is approximately 40' wide by 97' long, measuring 3,681 square feet in lot area. The Property's dimensions fall short of the required width (50') and lot area (5,000 square feet) in an R-1-B zone. As a result, the uniqueness derives from the Property's historic substandard size.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

The R-1-B minimum lot dimensions for detached homes would create a practical difficulty that is unnecessarily burdensome to the Applicant. The site is located in a zone that permits single family detached dwellings. However, without BZA relief, the Property would be unable to expand the existing home because of an inability to make the Property conform to the minimum lot dimensions and the absence of a lot of record.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Granting lot area and width relief would not cause substantial detriment to the public good nor would it substantially impair the intent, purpose, and integrity of the Zoning Regulations. Such relief is necessary for the technical creation of a lot of record, and the proposal has the support of ANC 3B and several neighbors.

VII. COMMUNITY COMMENTS/ANC

OP has received several signed letters of support for the proposal from neighbors, including from abutting property owners at 4421 45th Street, and 4441 and 4445 Yuma Street.

OP has viewed a letter from ANC 3E indicating a vote in support of the proposal.

VIII. RECOMMENDATION

The Office of Planning **recommends approval** of the special exception and area variance relief to construct a rear addition to an existing single family detached dwelling.

JS/pg
Paul Goldstein, case manager