



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: April 13, 2010
SUBJECT: BZA Case 18040 - request for special exception relief under § 223 to construct an addition to an existing single family detached dwelling at 5415 Potomac Avenue N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this application pursuant to §223, to permit a front and rear addition to a single family detached dwelling at 5415 Potomac Avenue N.W., requiring special exception relief as follows:

- § 405.9, to allow three (3) ft. (8 ft. required);
- § 2001.3, to allow addition to a nonconforming structure;

II. LOCATION AND SITE DESCRIPTION:

Address:	5415 Potomac Avenue N.W.
Legal Description:	Square 1443, Lot 822
Ward:	Ward 3, ANC 3D
Lot Characteristics:	Rectangular lot 50 ft. wide by 115 ft. long.
Zoning:	R-1-B – detached single family dwellings.
Existing Development:	Two story single family detached dwelling, permitted in this zone.
Historic District:	N/A
Adjacent Properties:	Surrounding properties to the north and south are developed with two-story detached single family dwellings. To the west is an alley separating the property from more two-story single family detached dwellings. To the east are Canal Road and the Potomac River.
Surrounding Neighborhood Character:	The neighborhood is characterized by a uniform character of two-story single family detached dwellings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	David and Lia Royle, owners
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Proposal:	The applicant proposes to construct one-story additions to the front and rear side of the existing non-conforming detached house. The existing front addition and porch and rear porch will be removed. The enclosed addition on the front does not require zoning relief; the front porch and rear enclosed addition would maintain and expand the nonconforming side yard at three (3) ft. The proposal would increase the lot occupancy within the required allowance.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	ft.	No change	None required
Lot Width (ft.) § 401	50 ft. min.	ft.	No change	None required
Lot Area (sq.ft.) § 401	5,000 sq.ft. min.	5,750 sq.ft.	No change	None required
Floor Area Ratio § 401	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	40% max.	28%	37%	None required
Rear Yard (ft.) § 404	25 ft. min.	45.6 ft.	34.6ft.	None required
Side Yard (ft.) § 405	8 ft. min.	3 ft.	3 ft.	Yes (5 ft.)
Court § 406	N/A	N/A	N/A	None required
Parking § 2101	1 space/dwelling min.	1	No change	None requested

V. 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 detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §405.9 side yards and §2001.3 expansion of a nonconforming structure.

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;

¹ Information provided by applicant.

The proposed additions would not increase the overall height of the structure and conform with existing lot occupancy standards. The proposed additions are each only a single story tall, rather than the full three stories of the entire structure. While the existing building has a three foot nonconforming north side yard setback, the proposed addition would maintain a consistent setback of three feet to both the front and rear of the building. However, the applicant's home is setback approximately 25 feet from the closest neighboring house to the north. As a result, the light and air available to neighboring properties should not be negatively impacted.

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

The proposed addition should not compromise privacy for neighboring properties. Currently, a wooden privacy fence encloses the entire rear yard, which would shield some of the proposed addition from view. The property owners of the neighboring property to the north have included a letter of support in the application.

(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 project includes an 11 ft. by 13 ft. 8 in. rear addition that would meet the permitted lot occupancy for the zone and is similar in size to existing additions on other properties in the area. The proposed rear addition and open front porch is modest in scale and has been designed to complement the existing structure in terms of the proposed building materials and design.

(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 provided a site plan, floor plans, side and rear elevations, and photographs. Sufficient information has been provided to meet this requirement.

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 existing lot occupancy on the property is 28%. The proposed lot occupancy on the property will be 37%, which is below the 50% maximum lot occupancy permitted under the § 223 requirements for lot occupancy.

223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.* A detached single family dwelling is a permitted use in the R-1-B district.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The applicant has stated that the adjacent neighbors are in support, and have obtained a letter on behalf of the trustee of the adjacent property to the north 5427 Potomac Avenue NW in support of the proposed additions.

ANC3D: The ANC will hear the proposal at their upcoming meeting on April 7th and issue a letter with their opinion subsequently.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments have been received by other District agencies at the time of this writing.

VIII. CONCLUSION

The Office of Planning concludes that the applicant has met the burden of proof for special exception relief from requirements pursuant to § 223 and recommends approval of the application.

JS/LC

Case Manager: Laine Cidlowski, Development Review Specialist

Attachments:

1. Location map
2. Aerial Photograph (2008)