



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** March 2, 2009  
**SUBJECT:** BZA Case 18039 - request for special exception relief under § 223 to construct an addition to an existing one-family detached dwelling at 1510 Kearney St. NE.

### I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this application pursuant to §223, to permit a three story addition, with basement, to the rear of an existing one-family detached dwelling at 1510 Kearney St. NE, requiring special exception relief as follows:

- § 405.9, to allow a side-yard of 3 ft., 2 inches (8 ft. required).

### II. LOCATION AND SITE DESCRIPTION:

Address:	1510 Kearney St. NE
Legal Description:	Square 4010, Lot 44
Ward:	5
Lot Characteristics:	The lot is rectangular in shape, with a north-south orientation. The lot is existing and non-conforming to lot width and area.
Zoning:	R-1-B – one-family detached dwellings – low density.
Existing Development:	One-family detached dwelling, permitted in this zone.
Adjacent Properties:	The adjacent properties are consistent in their shape and size, but vary in their improvements. Both adjacent dwellings are one-family detached dwellings; but the dwelling to the west is 2 ½ stories, while the dwelling to the east is a 1 ½ story building.
Surrounding Neighborhood Character:	The surrounding neighborhood is entirely made up of one-family detached dwellings, with a high degree of variety, with respect to building heights, roof types and general building bulk. There is a large degree of variability with respect to topography in the neighborhood.



**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	John K. Burke AIA, acting as Agent for Jason Lefebure
Proposal:	Three story rear addition, with basement, to an existing one-family detached dwelling. The addition would be 8 ft. 11 inches in depth.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

**IV. ZONING REQUIREMENTS**

R-1-B Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) § 400	40 ft. max.	30 ft. 10 inches	33 ft. 10 inches	None required
Lot Width (ft.) § 401	50 ft. min.	35 ft.	35 ft.	Existing Non-Conforming
Lot Area (sq.ft.) § 401	5,000 sq. ft. min.	4,480 sq. ft.	4,480 sq. ft.	Existing Non-Conforming
Floor Area Ratio § 401	None prescribed	-	-	None required
Lot Occupancy § 403	40 % max.	24 %	32 %	None required
Rear Yard (ft.) § 404	25 ft. min.	83 ft. 10 inches	72 ft. 2 inches	None required
Side Yard - Western (ft.) § 405	8 ft. min.	3 ft. 2 inches	3 ft. 2 inches	4 ft. 10 inches
Side Yard - Eastern (ft.) § 405	5 ft. min.	7 ft. 2 inches	7 ft. 2 inches	None required
Court § 406	-	-	-	None required

**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.*

One-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, for the proposed western side-yard. The existing lot width and area are non-conforming.

*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;*

<sup>1</sup> Information provided by applicant.

The light and air available to the neighboring properties should not be unduly affected by the proposed addition, due to the orientation of the lot, the existing separation between the dwellings, and the large rear yard of the subject property.

The north south orientation of the lot should result in minimal shadow impacts on the property to the west in the morning and the east in the late afternoon. Around midday the North-South orientation of the proposed addition should have no impacts on light to adjacent dwellings, as the shadow cast will be directly north.

The western side yard (the subject of the special exception), although limited to 3 ft. 2 inches, is consistent with that of the existing dwelling. The resulting separation between the subject dwelling and the building to the west is approximately 9 ft. (See Figure 1 below), which should minimize impact on access to light or air of the western neighbor.

**Figure 1: Building Separation on West Face of Subject Property**



The large rear-yard (47 ft. greater than the minimum requirement) should also minimize any impact on air to the adjacent properties.

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

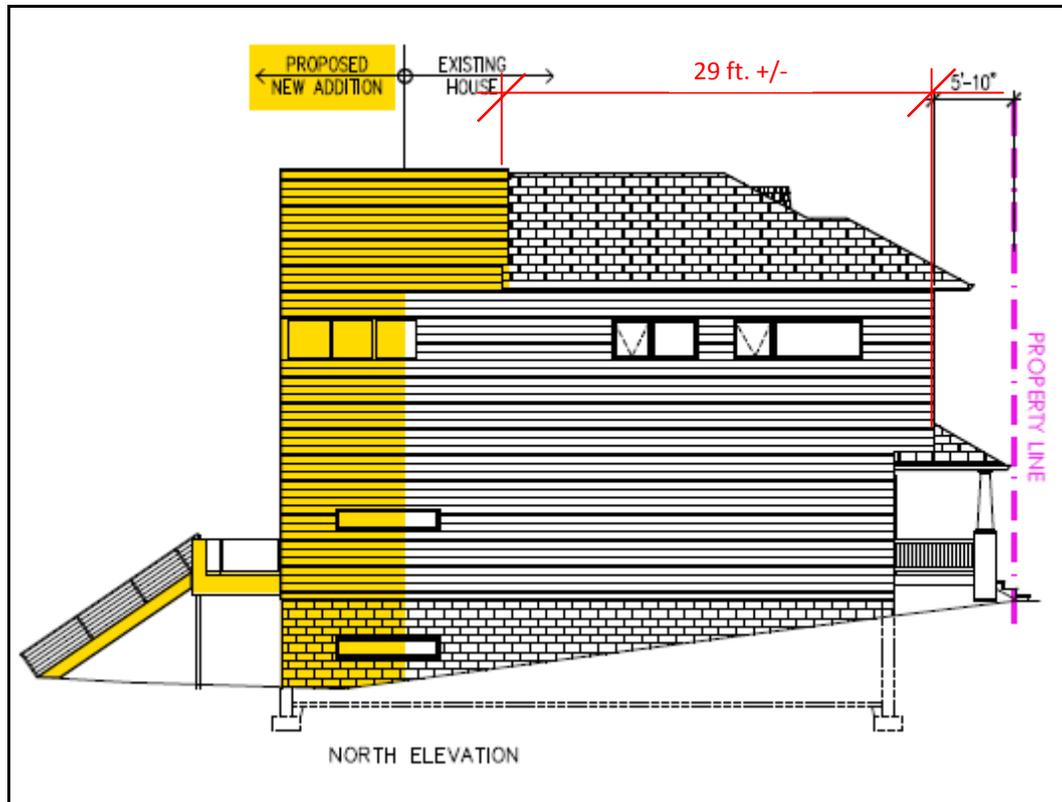
The privacy of use and enjoyment of the neighboring properties should not be unduly compromised as the special exception for the side-yard, on the western side of the subject property, will not include any major windows. Those windows that are proposed are either located in a manner that limits views from the proposed addition, or are limited in size.

- (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, with the original building, as viewed from all public ways should not visually intrude upon the character, scale and pattern of houses along the subject street frontage. This is due to the location of the addition, its proposed height, the pattern of existing side-yards on the street and the general pattern of houses.

The potential for seeing the proposed addition from Kearney street is limited due to the addition's location at the rear of the dwelling. As identified in Figure 2, the addition will be setback approximately 29' from the front of the house.

**Figure 2: West Elevation**



When viewed from the opposite side of the street the addition should be masked by the scale of the existing front façade (see below) which is to be retained with minor improvements. The closer one is to the house, the more one should not be able to see the addition. This is further illustrated in Figure 4, a Southern elevation rendering of the proposed addition and renovation, provided by the applicant.

**Figure 3: Existing Front (Southern) Elevation of Subject**



**Figure 4: South Elevation Rendering**



From the public alley located along the North side of the subject property, the proposed addition should not visually intrude upon the pattern and scale of the houses on the subject frontage. The height is consistent with the current dwelling, other dwellings along the frontage, and within the permitted maximum limitation of 40 ft. or three stories. As indicated in the photos of the dwellings along the street frontage in Figure 5, there is a wide variety of building scales along the block, when viewed from the public alley. This is further demonstrate in Figure 6, which is a birds eye aerial looking south on the subject block frontage.

**Figure 5: Photos from Alley**

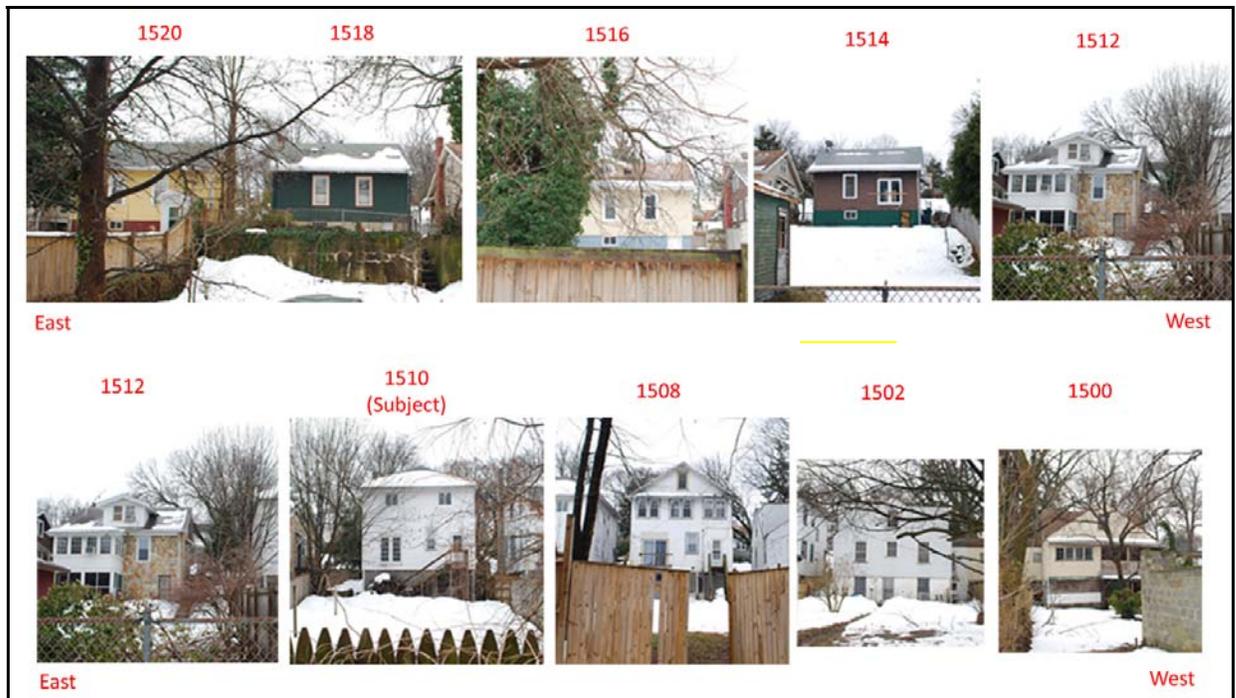
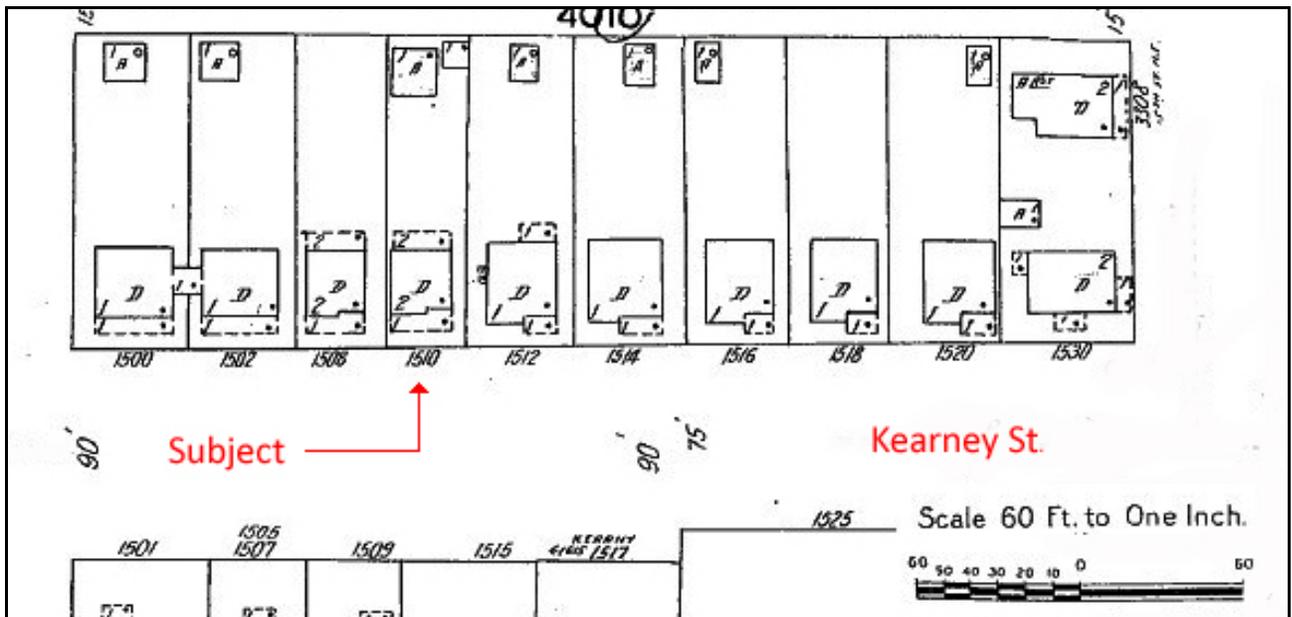


Figure 6: Aerial View Looking South



Lastly, the subject property's side-yard, like others on the block is non-conforming with the 8 ft. minimum requirement, and in many cases the 5 ft. allowance permitted through § 405.8. Although limited to 3 ft. 2 inches, this may not be the smallest side yard on the block. Furthermore, the maintenance of the existing side-yard will ensure the more consistent pattern of the separation between buildings is maintained. Figure 6 below provides a plot plan of the block, from a 1927 Sanborn insurance map. The plan identifies the location of the building footprints in relation to the property lines, along the subject street frontage. It demonstrates the existing pattern of side-yards and building separation on the block, and the consistency of the subject's proposal with this pattern.

Figure 7: Plot Plan of Subject 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 has provided graphical representations sufficient to represent the relationship of the proposed addition to adjacent buildings and views 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 lot occupancy of the dwelling, with the proposed addition complies with the matter of right requirements of 40 %, at 32 %.

- 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 has no recommendations regarding special treatments for the protection of adjacent or nearby properties.

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

The proposal is not expanding a non-conforming use.

## **VI. COMMUNITY COMMENTS**

ANC 5-A:

The subject property is located within Area Neighborhood Commission 5-A. The ANC has not commented on this special exception application at this time.

JS/MG

Attachments:

1. Location map

**Location Map:**

**City Wide Key Map:**



**Square Map:**

