



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: February 22, 2011

SUBJECT: **BZA Case 18176** - request for special exception relief under § 223 to construct a rear addition to the existing detached one-family dwelling at 2911 Porter Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval of the special exception relief requested pursuant to §223** to reduce the minimum required side yard along the eastern property line from the 8 feet required under § 405.9 of the Zoning Regulations to the proposed 5 feet for the proposed two-story rear addition. The existing lot is also non-conforming to the current lot width requirement.

II. LOCATION AND SITE DESCRIPTION:

Address:	2911 Porter Street NW
Legal Description:	Square 2061, Lot 73
Ward:	3C
Lot Characteristics:	The angled lot is approximately 36 x 181 feet in size with an area of 6,183 square feet (approximately 0.14 acre) and frontage along Porter Street. The alley along the rear property boundary is 15 feet wide and extends north and west from Porter Street. Mature deciduous trees dominate the rear yards of the subject property and the neighboring properties.
Zoning:	R-2 – attached one-family dwellings are allowed as a matter-of-right in this district.
Existing Development:	A two-story dwelling with a parking area in the rear yard that is adjacent to the public alley. A tall wooden picket fence surrounds the rear yard.
Historic District:	Cleveland Park
Adjacent Properties:	Similar one-family two-story detached dwellings are to the east and west along Porter Street. Across the alley to the north is a continuous row of one-story garages.
Surrounding Neighborhood Character:	Moderate density residential



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Andrew Abramson (owner of record)
Proposal:	To construct a two-story rear master bedroom and kitchen addition to the existing dwelling, and a one-story 25 x 36-foot garage in the rear yard that would be accessed from the alley. The addition side yard setbacks would be 5 feet and 8 feet from eastern and western property lines, respectively. According to the submitted plans, the new garage would set back 12 feet from the adjacent alley centerlines in accordance with § 2300.2 (b).
Relief Sought:	Special exception relief in accordance with §223 to reduce the minimum required side yard along the eastern property line from the 8 feet required under § 405.9 to 5 feet. No other relief was requested.

IV. ZONING REQUIREMENTS

The subject property is located in an R-2 district which allows detached dwellings as a matter of right. The existing dwelling was constructed in the 1920's so that it predates the current Zoning Regulations. It is characterized as contributing to the Cleveland Park Historic District. The existing lot width of 36 feet is less than the minimum 40 feet required under § 401.3 so the subject property is legally out-of-conformance with current zoning requirements.

As noted above, the proposed side yard setback between the two-floor addition and the eastern property boundary would be less than the required minimum. Because the existing development is non-conforming to current regulations, relief from § 2001.3 is also required. Accordingly, the applicant submitted this request for a special exception in accordance with § 223 to secure the required relief from § 2001.3 and to reduce the required side yard setback.

V. OFFICE OF PLANNING ANALYSIS:

Consistency with § 223

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 permitted in this district.

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 existing mature landscaping in the rear yards has a significant impact on the light available to the underlying properties. Shadows from the proposed garage would fall mostly on the public alley to the east and neighboring garage to the west. The impact of the proposed two-story dwelling addition on the neighboring properties would be minimal due to the existing foliage.

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

Neighboring yards would not be visible from the windowless garage. Because the adjacent Porter Street properties are angled at the street, the neighboring dwellings are offset from one another. As a result, the second floor of the proposed addition would look into the rear yard of, and not towards the neighboring dwelling on the neighboring property to the east (2909 Porter Street). However, windows in the western addition wall windows would be opposite windows in the facing façade of the residence to the west (2913 Porter Street).

In response to the neighbor's privacy concerns, the applicant relocated several exterior windows on the western façade of the addition. The case file now includes letters from both neighbors expressing no concern about the revised proposal.

- (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 Historic Preservation Office (HPO) reviewed the original and supplemental plan submissions. HPO did not express concern that the final plans would negatively impact the integrity of this historic neighborhood.

- (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.*

Sufficient graphical information for this case was submitted.

- 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 additions would increase the lot occupancy from 19% to 37% which would be less than the maximum 40% currently allowed as a matter of right in the R-2 district under § 403.2. Lot occupancy relief is therefore not required for this proposal.

- 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.*

No special treatment is recommended.

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

No non-conforming use would be introduced under this proposal.

Based on the above analysis, this application meets the standards for approval of the requested special exception.

VI. COMMUNITY COMMENTS

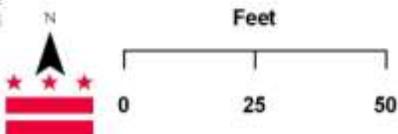
On January 18, 2011, Advisory Neighborhood Commission (ANC) 3C unanimously voted to approve a resolution in support of this request.

JS/afj

Attachments: Exhibit 1 Site Aerial with Zoning



BZA Application No. 18176



Office of Planning ~ January 26, 2011

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery © Pictometry International

LEGEND

-  Commercial (CAMA)
-  Property Squares
-  Street Centerlines
-  Water
-  Parks