



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Gyor, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 3, 2012

SUBJECT: BZA Case 18407 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing dwelling at 1906 35th St NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403.2, Maximum Lot Occupancy (40% maximum permitted; 70% by Special Exception; 54% proposed).
- § 406.1, Courts (10 ft. required; approximately 8 in. provided); and¹
- § 2001.3, (non-conforming structure).

OP notes that the existing lot is slightly nonconforming for lot width (30 ft. required, 27.27 ft. existing) and side yard (8 ft. required, 5 ft. existing).

II. LOCATION AND SITE DESCRIPTION:

Address:	1906 35 th St NW
Legal Description:	Square 1296E, Lot 836
Ward:	2
Lot Characteristics:	The rectangular lot has an area of 3,071 square feet. It is 27.27 feet wide along the 35th Street frontage and along the rear abutting the 15-foot wide public alley.
Zoning:	R-3
Existing Development:	Semi-detached dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Predominantly semi-detached single family dwellings to the north, south and west; a middle school is located across the street.

¹ Although the existing court is not being made smaller by this addition, the extent of non-conformity is being increased thus necessitating this request for relief.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	John A. Simon (Owner of Record)
Proposal:	The applicant is proposing the construction of a rear two-story addition and deck to a single family semi-detached dwelling. The addition would replace the existing rear deck. The proposed use would be additional living space within the residence and would be consistent with the existing use as a single family semi-detached dwelling.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats.

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ²	Relief:
Height (ft.) § 400	40 ft. max.	28.96 ft.	28.96 ft.	None Required
Lot Width (ft.) § 401	30 ft. min.	27.27 ft.	27.27 ft.	None Required
Lot Area (sq.ft.) § 401	3,000 sq. ft. min.	3,071 sq. ft.	3,071 sq. ft.	None Required
Lot Occupancy § 403	40% max. (70% by special exception)	49%	54%	Relief Required
Rear Yard (ft.) § 404	20 ft. min.	63 ft.	48.5 ft.	None Required
Side Yard (ft.) § 405	8 ft.	5 ft.	5 ft.	None Required
Courts (ft.) § 406	10 ft.	8 in.	8 in.	Relief 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 permitted matter of right uses in this zone. The Applicant is requesting special exception relief under §223 from the requirements of §403 Lot Occupancy and §406 Courts.

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 proposed two-story addition is not anticipated to have an undue effect to the light and air of neighboring properties, including the properties to the north, south, and west. The two story

² Information provided by applicant.

addition at the rear would be no taller than 28.96 feet as shown in the submitted plans. The addition would not extend past the existing two story structure neighboring the property to the north (1908 35th St. NW). Furthermore, the addition would not decrease the existing non-conforming side yard on the south side and would not unduly affect the adjacent properties.



Figure 1: Subject Property

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

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. The property to the north does not have windows which would open onto the proposed addition. The addition would maintain the approximately 8 inch court on the north side of the property. Extensive planting along the southern property line would maintain the privacy of neighboring properties to the south. Furthermore, the existing third-floor window on the south side of the house would be removed. The use and enjoyment of the property to the rear should not be unduly compromised because the rear yard would have a depth of 48.5 feet.

- (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 two story rear addition would only be minimally visible to the street frontage along 35th St NW because of existing and proposed vegetation and would be in character with the existing streetscape. The addition would not be visible from the alley behind the property due to the existing accessory structure.

- (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 submitted graphical representations, including plans and photographs, to represent the relationship of the proposed addition to adjacent buildings.

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 at 54% would exceed the permitted maximum lot occupancy of 40% in an R-3 Zone but would conform to the 70% maximum permitted by special exception review pursuant to § 223.

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.*

OP does not suggest any other special treatment for this renovation.

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

The existing use is permitted; no additional non-conforming use is proposed.

VI. COMMUNITY COMMENTS

As of this writing, OP has received no comments from neighbors or the ANC.