

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 31, 2012
SUBJECT: BZA Case 18480 - request for special exception relief under § 223 to construct an addition to an existing one-family semi-detached dwelling at 2926 Newark Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 403.2, Lot Occupancy (40 percent permitted, 50 percent proposed);
- § 405.9, Side Yard (8 feet required, none proposed);
- § 404.1, Rear Yard (25 feet required, 15 feet proposed); and
- § 2001.3, Addition to a nonconforming structures devoted to a conforming use.

The application as originally filed also required relief from § 406.1, Courts, and a use variance from § 201.1, Uses Permitted as a Matter of Right, to permit the conversion of the residence from a semi-detached dwelling to a row house. On November 15, 2012 the applicant revised the drawings, eliminating the need for relief from those two sections of the regulations.

The Office of Planning notes that the subject property is nonconforming for lot width and lot area.

II. LOCATION AND SITE DESCRIPTION

Address	2926 Newark Street, N.W.
Legal Description	Square 2082, Lot 857
Ward	3
Lot Characteristics	Quadrilateral shaped lot with no alley access
Zoning	R-1-B – one-family detached dwellings
Existing Development	Semi-detached one-family dwelling with detached accessory garage
Historic District	Cleveland Park
Adjacent Properties	North: Across Newark Street, apartment building South and East: One-family detached dwellings West: One-family semi-detached dwelling
Surrounding Neighborhood Character	Residential with commercial uses along Connecticut Avenue, including a public library



III. PROJECT DESCRIPTION IN BRIEF

Applicant	David M. Sohn
Proposal	Construction of two-level rear yard deck
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats

The applicant proposes to construct a two-level deck within the rear yard. At a height of six feet, four inches, the upper deck would count toward lot occupancy and be required to provide the minimum side and rear yards. The lower deck would be constructed at a height of four feet and therefore not count toward lot occupancy, and not be required to provide side and rear yards.

V. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	40-foot max.	30 feet	30 feet	None required
Lot Width § 401	50-foot min.	31 feet	31 feet	None required
Lot Area § 401	5,000 SF min.	3,342 SF	3,342 SF	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.; 50% by special exception	45.5%	50%	Required
Rear Yard § 404	25-foot min.	23.5 feet	15 ft.	Required
Side Yard § 405	8-foot min.	9.1 & 0 ft.	9.1 & 0 ft	Required

VI. 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.

223.2 The addition or accessory structure shall not have a substantially adverse effect 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 deck would be constructed at a height equal to the first floor of the dwelling with no walls or roofing, allowing light and air to pass.

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

The proposed deck would be screened from the adjoining semi-detached dwelling to the east by a privacy fence and to the south by an existing stand of bamboo that is proposed to remain, screening the deck from properties to the side and rear.

(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 deck would be located in the rear yard and not visible from a public way.

- (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.*

Graphical representations, including plans, photographs, elevations and section drawings were submitted as a part of the application.

- 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 is 50 percent, the maximum permitted in the R-1-B district.

- 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 makes no recommendations for special treatment.

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

The subject application would not result in the introduction or expansion of a nonconforming use.

VII. AGENCY COMMENTS

No comments were received from other District agencies.

VIII. COMMUNITY COMMENTS

ANC 3C submitted a resolution to the file dated December 17, 2012 in support of the application.

A letter signed by six neighbors, including adjoining neighbors to the east, west and south (rear), was submitted to the file in support of the application.

Attachment: Location Map

