

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: April 23, 2013

SUBJECT: BZA Case 18543 - request for special exception relief under § 223 to construct an addition to an existing detached single-family dwelling at 5063 Overlook Road, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 404.4, Rear Yard (25 feet required, 2 feet proposed); and
- § 405.9, Side Yard (8 feet required, 2 feet proposed).

II. LOCATION AND SITE DESCRIPTION:

Address:	5063 Overlook Road, N.W.
Legal Description:	Square 1430, Lot 6
Ward:	3, 3D
Lot Characteristics:	The rectangular lot is 11,277 square feet in area with 115 feet of frontage along Overlook Road. The lot narrows at the rear, where the property line measures 65 feet.
Zoning:	R-1-A – low density detached single family dwellings.
Existing Development:	Detached single family dwelling, permitted in this zone. The property is currently improved with a single family dwelling and detached pool house. The pool house, issued a building permit in 2010, was constructed in the rear and side yard of the lot, but is separated from the house by a distance of 11.5 feet.
Historic District:	N/A
Adjacent Properties:	Adjacent properties are of a comparable size to the subject lot and are similarly developed with detached single family dwellings.
Surrounding Neighborhood Character:	The neighborhood is generally low density residential, consisting of larger lots and detached single family dwellings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Robert M. Gurney
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Proposal:	The proposed addition would connect the detached single family dwelling to the accessory pool house by way of a one story glass structure. The detached pool house requires relief from rear and side setbacks in order to be connected to the main dwelling. The proposed addition would be 60 square feet and nine feet in height.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

V. ZONING REQUIREMENTS

R-1-A Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	N/A	14 ft., 10 in.	None required
Lot Width (ft.) § 401	75 ft. min.	115 ft.	115 ft.	None required
Lot Area (sq.ft.) § 401	7,500 sq.ft. min.	11,277 sq.ft.	11,277 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	37.5%	38%	None required
Rear Yard (ft.) § 404	25 ft. min.	25 ft.	2 ft.	Required
Side Yard (ft.) § 405	8 ft. min.	8 ft.	2 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.*

Detached single family dwellings are a permitted use in this zone. The applicant requires special exception relief under § 223, § 404, Rear Yard and § 405, Side Yard.

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 connecting structure would be five feet wide by 12 feet long, and constructed of a steel frame, glass roof and glass walls. These materials ensure that the structure will be transparent, allowing light to continue to pass between the existing structures and lessening impact on light and air to the adjacent properties.

The addition would not be significantly visible from the street. It would be visible by the neighbor located north of the subject property. While there are

¹ Information provided by applicant.

no windows along the south building elevation, the addition would be visible from a deck, and other first and second story windows. The neighbor is expected to describe how it would have a substantially adverse effect on the use or enjoyment of that and other abutting or adjacent property.

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

The proposed addition would be partially screened from adjacent property owners. Due to mature landscape and changes in grade, the properties located south and east of the subject property would not appear to have a direct view of the proposed addition. The property located north of the subject property sits at a lower elevation, which, along with the mature landscape, would somewhat obscure the proposed addition.

- (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 structure would be located between the existing dwelling and pool house, and would not be visible from the street frontage. Therefore, the proposed addition should not substantially visually intrude upon the character, scale and pattern of houses along the 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 drawings, including site plan and elevations, and photographs, which represent the relationship of the proposed addition to adjacent buildings and views from public ways. The neighbor to the north, however, has indicated some discrepancies in the submission, which have been clarified by the applicant in the pre-hearing statement.

- 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 38 percent, which is less than the maximum of 40 percent permitted within the R-1-A district (50% by special exception).

- 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 for special treatments for this application, but would recommend that the applicant continue to work with adjacent neighbors to address their concerns.

- 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.

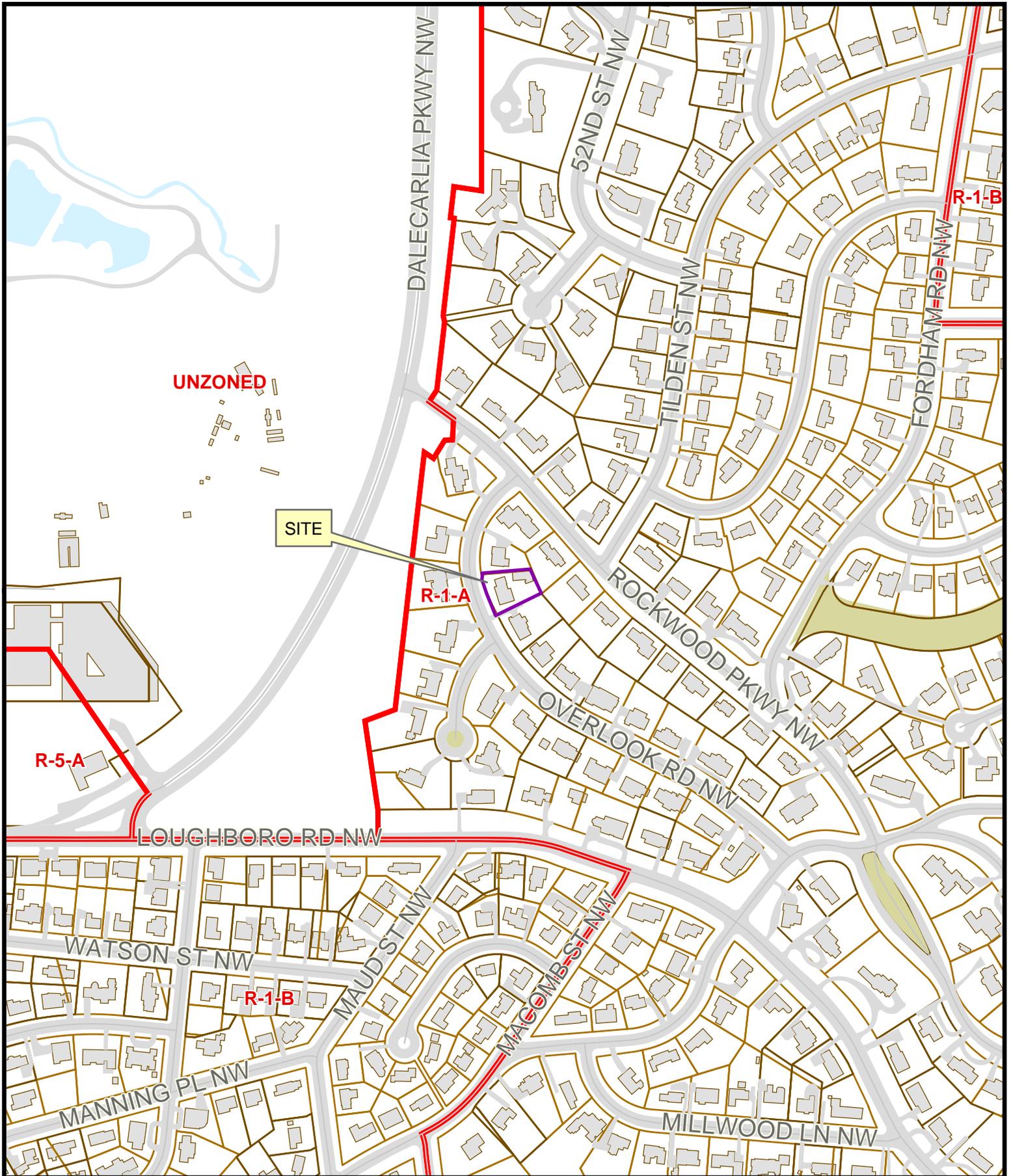
VII. COMMUNITY COMMENTS

Advisory Neighborhood Commission 3D voted to recommend denial of the proposed addition at its regularly held meeting on April 3, 2013. The ANC expressed concern that the detached structure could be increased in height, up to 40 feet, once it has been connected to the main dwelling. However, as the detached pool house is located within the rear and side yards, a variance would be required in order to increase its height.

The Office of Planning has met with a neighbor expressing concerns related to the impact of the proposed structure on his property. OP understands that he and other neighbors are requesting party status in opposition.

Two letters of support have been provided from nearby neighbors.

Attachment: Location Map



BZA Case 18453 - 5063 Overlook Road, N.W.



DC Office of Planning



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.