



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** April 30, 2013  
**SUBJECT:** BZA Case 18548 - request for special exception relief under § 223 to construct an addition at the existing one-family detached dwelling at 3907 Harrison Street, NW.

**I. OFFICE OF PLANNING RECOMMENDATION**

With regards to this proposal to construct an addition, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 404.1, rear yard (25 feet required; 24.5 feet existing; and 21.16 feet proposed); and
- § 2001.3, enlargement of or addition to the nonconforming structure devoted to a conforming use.

OP staff notes that the lot is slightly nonconforming with respect to § 405.9, side yard (8 feet required; 5.5 feet provided at west side yard and 5.73 provided at east side yard). Although the applicant has not requested relief from § 405, OP staff notes the existing nonconformity.

**II. LOCATION AND SITE DESCRIPTION**

Address:	3907 Harrison Street, NW (See Attachment 1.)
Legal Description:	Square 1754, Lot 02
Ward/ANC:	3E
Lot Characteristics:	The property is rectangular in shape and abuts two 12-foot wide improved public alleys at the northern and eastern property lines.
Zoning:	R-1-B – one-family detached dwellings.
Existing Development:	One-family detached dwelling, which is permitted in this zone.
Adjacent Properties:	One-family detached dwellings
Surrounding Neighborhood Character:	The neighborhood is characterized by one-family detached dwellings.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant:	Marc Fisher and Jody Goodman, property owners
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Proposal:	Construct a one-story wood frame addition at the rear of the existing residence, which would not meet the required rear yard setback (§ 404.1). The proposed construction would include a 38.67-foot wide by 11.5-foot deep one-story frame addition at the rear of the existing one-family detached dwelling.
Relief Sought:	§ 223.1 – to reduce the required minimum rear yard depth (§ 404.1) to permit the construction of a one-story addition and to allow an addition to an existing nonconforming structure devoted to a conforming use (§ 2001.3).

#### IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Lot Area (sq. ft.) § 401	5,000 sq. ft. min.	5,127.1 sq. ft.	No change	None required
Lot Width (ft.) § 401	50 ft. min.	60 ft.	No change	None required
Lot Occupancy § 403	40 % max.	28 %	30.1 %	None required
Rear Yard (ft.) § 404	25 ft. min.	24.5 ft.	21.16 ft.	3.84 ft.
Side Yard (ft.) § 405	8 ft. min.	5.5 ft. (west) 5.73 ft. (east)	No change	Existing nonconforming
Nonconforming Structure § 2001.3	(b) The addition or enlargement itself shall: (1) Conform to use and structure requirements; and (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.	One-Family Detached  Side Yard and Rear Yard	One-Family Detached  Side Yard and Rear Yard	One-Family Detached  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.*

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

The proposed addition requires special exception review under § 223 from the requirements for minimum rear yard depth (§ 404.1) and additions to nonconforming structures devoted to conforming uses (§ 2001.3).

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 subject property is bordered by a 12-foot alley to the north and east, and an existing one-family detached dwelling to the west. The dwelling has an existing addition and wood deck at the first floor level that encroach half a foot into the required rear yard setback. The proposed addition is one-story high and extends less than 4 feet in to the required rear yard.

Across the alley to the east is 3901 Harrison ST NW. The proposed addition would be setback 10.10 feet from the east façade of the existing dwelling and a total of 15.83 feet from the eastern property line. The applicant also is proposing to remove the existing wood deck from the eastern side yard. The proposed addition should not have a negative impact on the adjoining property.

To the north of the property, across the alley, are the rear yards of the dwellings that front on Huntington ST NW. The proposed addition would be setback 21.16 feet from the northern property line and the presence of the 12-foot alley, in combination with the rear yard setback of the dwelling at 3902 Huntington ST NW, should provide adequate separation.

The proposed addition would not increase or extend the existing nonconforming side yard at the western property line. The property at 3909 Harrison ST NW features a full side yard. Therefore, the proposed addition should not negatively impact the light and air available to the neighboring property.

For the reasons stated above, the proposed addition should not unduly affect the light and air available to the neighboring properties.

(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. As stated above, the proposed addition would be setback 15.83 feet from the eastern property line and the applicant is proposing to remove the existing deck that extends in to the eastern side yard. Additionally, the subject property is separated from 3901 Harrison ST NW (to the east) and 3902 Huntington ST NW (to the north) by a 12-foot alley network. The proposed addition would maintain the existing 5.5 foot side setback at the western property line.

(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 would not be visible from Harrison ST NW but would be visible from the alley. The wood frame addition is similar in scale, massing, and materials to existing dwellings in the surrounding neighborhood. The proposed addition should not negatively impact the character, scale and pattern of houses as seen from the alley.

(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 submission provided sufficient information about this proposal.

*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 of 30.1% is less than the maximum 50% 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.*

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 nonconforming use would be established under this proposal.

## **VI. COMMUNITY COMMENTS**

The applicant provided signatures from the property owners at 3900, 3902 and 3904 Huntington ST NW and 3901 and 3909 Harrison ST NW indicating that they did not object to the proposed project. Advisory Neighborhood Commission (ANC) 3E reviewed the proposed project at its April 11, 2013, meeting and approved a resolution in support of the requested special exception relief by a vote of 4-0-0.

## **VII. COMMENTS OF OTHER DISTRICT AGENCIES**

The District Department of Transportation (DDOT) indicated in a letter dated March 26, 2013, that the proposed project will have no adverse impacts on the travel conditions of the District's transportation network.

The proposed addition would impact an existing tree on the property. The applicant has submitted a Special Tree Removal Permit Application (tracking number 5878); however, the permit had not yet been issued at the time this report was written. Should the Board approve the requested special exception relief, OP recommends that it be conditioned on the applicant obtaining the Special Tree Removal Permit.

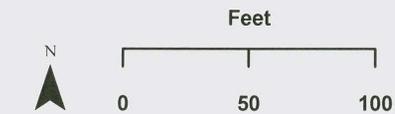
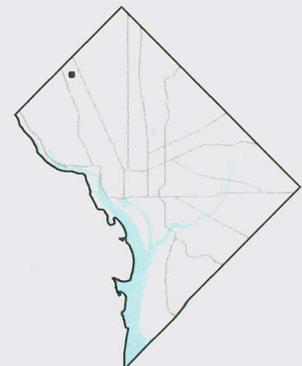
### **Attachments:**

1. Location map



## Development Review

-  Zoning Districts
-  Roads
-  Street Centerlines
-  Buildings
-  Alleys and Parking
-  2002 ANCs
-  Water
-  Parks



Government of the District of Columbia  
Office of Planning ~ April 29, 2013

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.