

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: April 29, 2014

SUBJECT: BZA Case 18745 - request for special exception relief under § 223 to construct an addition to an existing non-conforming dwelling at 2950 Legation Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 404.1- Rear Yard (25 feet required, 15 feet proposed) and
- § 2001.3 – Non-conforming structure.

The lot is nonconforming for lot area.

II. LOCATION AND SITE DESCRIPTION:

Address	2950 Legation Street NW
Legal Description	Square 2298, Lot 0802
Ward/ANC	3/ANC 3G
Lot Characteristics	Flat rectangular corner lot, with frontage on Legation and 30 th Street. There is no rear alley.
Zoning	R-1-B – detached single family dwellings.
Existing Development	Detached dwelling, permitted in this zone. The house is currently non-conforming due to lot area and rear yard.
Adjacent Properties	Single-family detached homes to the east, west and south (at the rear of the lot).
Surrounding Neighborhood Character	All single-family homes typical of the R-1-B District.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Evan Goitein
Proposal	The proposed renovation includes a rear 2-story and attic frame addition, with an outdoor deck area, which would be less than 4 feet off the ground.
Relief Sought	§223 - Additions to a One-Family Dwellings or Flats



V. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 401.1	40 ft. max.	27ft. 2 in.	27 ft. 8 in.	None required
Lot Width (ft.) § 401.3	50 ft. min.	67.50 ft.	67.50 ft.	None required
Lot Area (sq.ft.) § 401	5000 sq.ft. min.	3713 sq.ft.	3713 sq.ft.	Existing non-conformity
Floor Area Ratio § 402	None prescribed	-	-	None required
Lot Occupancy § 403.2	40 % max.	23.75 %.	32.24 %	None required
Rear Yard (ft.) § 404.1	25 ft. min.	5 ft.	15ft. 4 in.	Required
Side Yard (ft.) § 405.9	8 ft. min.	21ft.	8 ft.	None 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.*

The existing one-family dwelling is a permitted structure. The lot does not comply with the lot area requirements of § 401.3 and the rear yard does not conform to the required 25 feet, under § 401.4. Therefore, it is an existing nonconforming structure under § 2001.3. No new non-conformity would be created due to the proposed addition.

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 addition to the east side of the house would not extend further than the main rear wall. The addition would be more than 30 feet to the wall of the adjacent residence, which fronts on Legation Street, and more than 20 feet from the adjacent home, which fronts on 30th Street NW. It does not appear that the addition would unduly impact the air and light available to the neighbors.

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

As this is a corner property there are only two immediate neighbors. No more windows than what currently exists on the home would be placed on the west elevation. Privacy and use of the neighboring property should not be unduly compromised by the 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 design conforms to the general pattern and scale of houses in the neighborhood and would not be out of character with the neighborhood as viewed from the street frontage along Legation Street. The addition would not be readily visible along 30th Street.

- (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 provided the appropriate plans and sections drawings as required.

*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 would be well below the maximum 50% permitted under Section 223 and below the 40% matter-of-right lot occupancy permitted for the zone.

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.

There is no need for special treatment or screening to protect adjacent properties.

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

The use as a single-family dwelling is permitted in this zone.

VII. AGENCY COMMENTS

No agency comments were received to date.

VIII. COMMUNITY COMMENTS

The ANC 3G met on March 24th and voted to support the addition.. The applicant has received neighbors' signatures indicating support for the proposed addition.

Attachment: Location Map

LOCATION MAP

