

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** November 25, 2014

**SUBJECT:** BZA Case 18868 - request for variance relief pursuant to DCMR 11 § 3103.2 from the Wesley Heights Overlay Front Setback requirements (§ 1543.4) to allow the construction of an addition for a single-family dwelling located at 4547 Lowell Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 1543.4 Wesley Heights Overlay Front Setback (22 feet required, 16.75 feet proposed).

OP notes that the property is nonconforming with respect to minimum lot area and side yard.

**II. LOCATION AND SITE DESCRIPTION**

Address	4547 Lowell Street NW
Legal Description	Square 1605, Lot 508
Ward/ANC	3/3D
Lot Characteristics	The property is a rectangular lot with an area of 3,750 square feet (50 feet x 75 feet), which fronts on Lowell Street, NW.
Zoning	Wesley Heights Overlay/R-1-B – one-family detached dwellings.
Existing Development	One-family detached dwelling, permitted in this zone.
Historic District	NA
Adjacent Properties	Adjacent properties include single-family dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character, predominantly comprised of single family dwellings.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Patrick Cooke, Thomson & Cooke Architects, agent on behalf of Eli and Margaret Joseph, owners.
Proposal	The applicant proposes to construct a two-story side yard addition.
Relief Sought	Variance relief pursuant to § 3103.2 from the requirements of the Wesley Heights Overlay Front Setback requirement (§ 1543.4).



#### IV. ZONING REQUIREMENTS

<b>WH/R-1-B Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 400	40 ft. max.	20.08 ft.	20.08 ft.	None required
Lot Width § 401	50 ft. min.	50 ft.	50 ft.	None required
Lot Area § 401	5,000 sq. ft. min.	3,750 sq. ft.	3,750 sq. ft.	Existing non-conforming
Lot Occupancy § 403	40% max.	22.6%	27.2%	None required
Rear Yard § 404	25 ft. min.	30.83 ft.	25 ft.	None required
Side Yard § 405	8 ft.	R – 5.58 ft. L – 11.9 ft.	R – 5.58 ft. L – 8.08 ft.	Existing non-conforming
Wesley Heights Overlay § 1543.4	22 ft.	13.75 ft.	16.75 ft.	<b>Relief required</b>

#### V. OFFICE OF PLANNING ANALYSIS

The Applicant is requesting variance relief under § 3103.2 from the Wesley Heights Overlay front setback requirement (§ 1543.4) to permit construction of a two-story addition.

##### i. Exceptional Situation Resulting in a Practical Difficulty

The detached single family dwelling, constructed in 1926, precedes the adoption of the Wesley Heights Overlay, which occurred in 1990. The home has a front setback of 13.75 feet where 22 feet is required. The dwelling currently features a one-story wing on the west side of the home that has a front setback of 17 feet, where 22 feet is required. The proposed addition would replace the one-story wing and would feature a front setback of 16.75 feet. The proposed addition would meet the required eight foot (8 ft.) side yard requirement.

The Wesley Heights Overlay front setback requirement combined with the 3,750 square foot lot area, which is less than the 5,000 square foot lot area required in the R-1-B zone results in a practical difficulty related to this property. The front setback requirement of the Wesley Heights Overlay was established well after the property had been developed and the proposed addition would not extend beyond the existing nonconforming main block of the dwelling, which has a 13.75 foot front setback. If the proposed addition were to conform to the required front setback, it could present a greater impediment to the light and air of the rear yard of the property to the west.

##### ii. No Substantial Detriment to the Public Good

The proposed two-story addition would maintain a setback from the main block of the dwelling, which is already nonconforming with respect to the Overlay requirements. Furthermore, several dwellings on Lowell Street NW feature a reduced front setback and the proposed addition would not be out of character with other homes in Square 1605.

### **iii. No Substantial Harm to the Zoning Regulations**

The requested relief can be granted without substantial detriment to the public good or substantial impairment of the zone plan. The proposed addition would be setback from the main block of the dwelling and should not adversely impact the light and air available to neighboring properties.

## **VI. COMMUNITY COMMENTS**

ANC 3D voted 7-0 in support of the application at its meeting held on October 1, 2014. The property owner at 4540 Lowell Street NW provided a letter in support of the subject application on September 24, 2014.

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

The District Department of Transportation (DDOT) provided comments on November 6, 2014 and indicated that the proposal will have no adverse impacts on the travel conditions of the District's transportation network.

### Attachments:

1. Location map

