


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: April 21, 2017

SUBJECT: BZA Case 19470 – 5821 3rd Street NE, request for special exception relief under Subtitle D § 5201.1

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201.1:

- D § 305.1 *Front Setback* (9.85 to 10.10 feet required, 9.94 feet existing, 0 feet proposed).

II. LOCATION AND SITE DESCRIPTION:

Address	5821 3 rd Street NE
Applicant	Susan Maria Gibbs Hall (owners)
Legal Description	Square 3713, Lot 22
Ward / ANC	Ward 4, ANC 4B
Zone	R-2 is intended to provide for low density residential with one-family detached and semi-detached housing units.
Historic District or Resource	N/A
Lot Characteristics	Rectangular lot measuring 33 feet in width and 80 feet in depth. The lot is bounded by Oglethorpe Street NE to the north, a 16-foot improved public alley to the east, a residential lot to the south, and 3 rd Street NE to the east.
Existing Development	The property is improved with a two story single-family semi-detached dwelling.
Adjacent Properties	The adjacent property to the south is improved with a semi-detached dwelling that shares a common division wall with the subject property.
Surrounding Neighborhood Character	The neighborhood is residential in character and comprised of single family detached and semi-detached dwellings.
Proposed Development	New front addition to an existing semi-detached dwelling.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) D § 303	40 ft. max.	19.5 ft.	23.33 ft.	None required
Lot Width (ft.) D § 302	30 ft. min.	33 ft.	33 ft.	None required
Lot Area (sq.ft.) D § 302	3,000 sq. ft. min.	2,460 sq. ft.	2,460 sq. ft.	Existing nonconforming
Lot Occupancy D § 304	40 % max.	33.6 %	39.1 %	None required
Rear Yard (ft.) D § 306	20 ft. min.	24.83 ft.	24.83 ft.	None required
Front Setback (ft.) D § 305	Existing range of blockface (9.85 – 10.10 ft.)	9.94 ft.	0 ft.	Relief required
Side Yard (ft.) D § 307	8 ft. min.	15 ft.	15 ft.	None required

IV. OP ANALYSIS:

Subtitle D Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 *The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- a) *Lot occupancy;*
- b) *Yards;*
- c) *Courts;*
- d) *Minimum lot dimensions;*
- e) *Pervious surface; and*
- f) *The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The Applicant is requesting relief from the front setback provision of Subtitle D § 305.1.

5201.2 *Special exception relief under this section is applicable only to the following:*

- a) *An addition to a building with only one (1) principal dwelling unit; or*
- b) *A new or enlarged accessory structure that is accessory to such a building.*

The Applicant is proposing to construct a new front addition to the existing one-family semi-detached dwelling.

5201.3 *An applicant for special exception under this section shall demonstrate that the proposed 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:*

¹ Information provided by applicant.

- a) *The light and air available to neighboring properties shall not be unduly affected;*

The subject property is a west-facing corner lot. The proposed addition would not extend in to the sideyard beyond the existing sidewalls and would extend 10 feet to the west beyond the existing front façade of the subject property and the adjacent property at 5819 3rd Street NE. Any potential impacts to the light and air available to the adjacent property, which shares a common division wall, should be negligible.

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

The proposed addition would be located along the public street facing façade of the existing dwelling. The Applicant is proposing windows on the north façade of the proposed addition, which would face Oglethorpe Street NE. No windows are proposed on the south façade of the addition. Therefore, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

- 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;*

The proposed two-story front addition should not substantially visually intrude upon the character, scale, and pattern of houses on the subject street frontage. It does not appear that the addition would result in the loss of significant or streetscape defining landscaping. While the neighborhood is characterized by two-story brick duplexes, the homes feature a variety of treatments to include metal awnings and brick or siding clad additions. The proposed addition would be two-stories in height and would be clad in siding that would be consistent with the existing rear addition at the subject property.

- 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; and*

The applicant has provided sufficient visual and graphical representations to represent the relationship of the proposed addition to adjacent dwellings and views from public ways.

5201.4 *The Board of Zoning Adjustment 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 at this time.

5201.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject property is being and would continue to be used as a single-family dwelling, which is a permitted use in the R-2 zone.

5201.6 *This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The existing dwelling would measure 23.33 feet in height and would preserve its two-story form. Therefore, if approved, the special exception would not permit the introduction or expansion of nonconforming height or number of stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments had been received from other District agencies at the time this report was drafted.

VI. COMMUNITY COMMENTS

The Applicant provided letters of support from 12 neighbors, including the adjacent property owner at 5819 3rd Street NE (Exhibit 27).

ANC 4B voted 7-2-0 at its regular public meeting on March 27, 2017, to support the special exception request with three recommended conditions (Exhibit 26).

Attachment: Location Map



Figure 1: Location Map, 5821 3rd Street NE