

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: October 13, 2017
SUBJECT: BZA Case 19612 - request for special exception relief pursuant to Subtitle D § 5201.1 from D § 306.1, to allow an addition to an existing nonconforming structure at 3909 Huntington Street, NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201:

- C § 202.2(b), additions to nonconforming structures; and
- D § 306.1, rear yard (25 feet required, 23 feet existing; and 23 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	3909 Huntington Street NW
Applicant:	Edward L. Donohue, attorney, on behalf of Elizabeth Boison, owner
Legal Description:	Square 1754, Lot 915
Ward / ANC:	Ward 3, ANC 3E
Zone:	R-1-B
Historic District or Resource:	N/A
Lot Characteristics:	The lot is rectangular in shape and measures 70 feet in width and 85.67 feet in depth. The lot is bounded to the south by Huntington Street NW, R-1-B lots to the east and west, and an improved 12-foot public alley to the north.
Existing Development:	The lot is improved with a two-story detached residential dwelling.
Adjacent Properties:	The adjacent properties are improved with detached residential dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood is residential in character. The Connecticut and Wisconsin Avenue commercial corridors are approximately four blocks to the east and west, respectively.
Proposed Development:	The Applicant is proposing to construct a rear addition.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) D § 303	40 ft. max./ 3 stories	17 ft.	21.5 ft.	None required
Lot Width (ft.) D § 302	50 ft. min.	90 ft.	90 ft.	None required
Lot Area (sq.ft.) D § 302	5,000 sq. ft. min.	5,997 sq. ft.	5,997 sq. ft.	None required
Lot Occupancy D § 304	40 % max.	23 %	28.5 %	None required
Rear Yard (ft.) D §	25 ft. min.	23.04 ft.	23.04 ft.	Relief requested
Front Setback (ft.) D § 305	15 ft. min.	18 ft.	18 ft.	None required
Side Yard (ft.) D §	8 ft. min.	17.4 ft.	8.64 ft.	None required
Parking C § 701	1 space	1 space	1 space	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 has requested relief from the minimum rear yard requirement.

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 has requested relief to construct an addition to a building with one (1) principal dwelling unit. The Applicant states that the proposed use would continue to be one (1) principal dwelling unit.

¹ Information provided by applicant.

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:

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

The proposed addition would align with the existing rear wall, which is nonconforming and predates 1958. The proposed addition would encroach less than two (2) feet in the required rear yard. The properties to the rear at 3906 and 3904 Ingomar Street NW are separated from the subject property by a 12-foot public alley. Therefore, the light and air available to the adjoining properties should not be unduly affected.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed addition would extend an existing nonconforming rear yard. The existing nonconforming rear wall of the property features windows and a door; however, the rear yard, existing mature trees, and the public alley provide sufficient separation and screening between the subject property and neighboring properties.

(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 addition would be visible from the public alley, but should not substantially visually intrude upon the character, scale, and pattern of houses along the alley as it would feature compatible materials and would be screened from view by mature trees.

(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 plans, photographs and elevations (Exhibits 6 and 7).

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.

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

The existing and proposed use would be as a single household dwelling, which is a permitted use in the 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 structure would remain two (2) stories and the proposed height of 21.5 feet would not exceed the maximum permitted height in the zone, which is 40 feet.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District Agencies had not been received at the time this report was written.

VI. COMMUNITY COMMENTS

Comments from the ANC had not been received at the time this report was written. The Applicant provided letters of support from the property owners at 3908 Ingomar Street, 3919 Huntington Street, and 3907 Huntington Street (Exhibit 12).

JL/emv

Attachment: Location Map

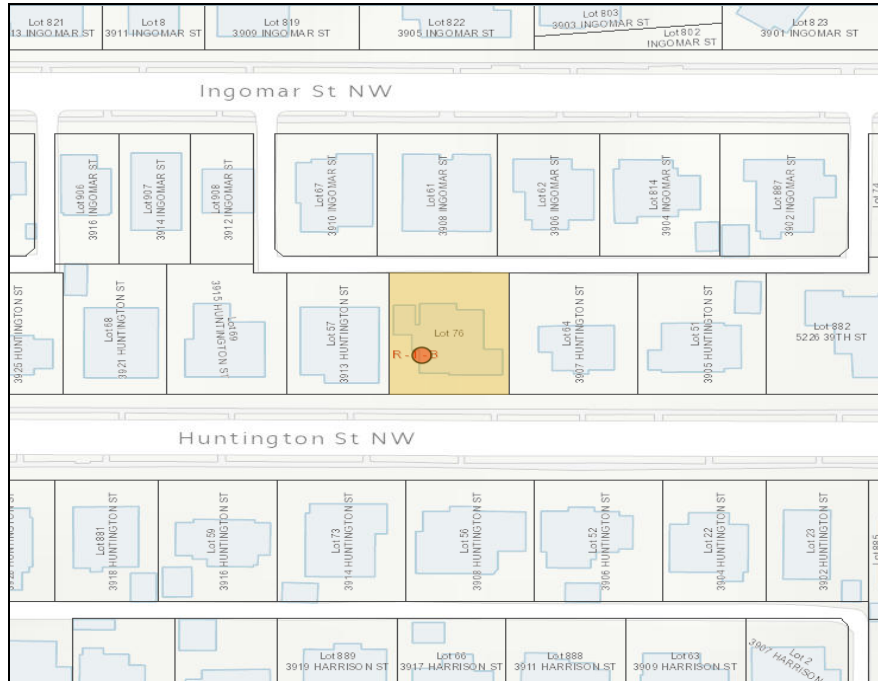


Figure 1: Location Map