

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director for Development Review

**DATE:** May 18, 2018

**SUBJECT:** BZA #19750 – 3658 Warder Street, NW – Request for special exception relief under Subtitle E § 5201 to permit a rear addition

**I. RECOMMENDATION**

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

- E § 306 Rear Yard (20’ required; 10’10” existing; 0’ at cellar and 11’4” at 1<sup>st</sup> and 2<sup>nd</sup> floors proposed).

**II. LOCATION AND SITE DESCRIPTION**

Applicant	Adam Chamy and Bradley Gallagher, Owners
Address	3658 Warder Street, NW
Legal Description	Square 3031, Lot 148
Ward / ANC	1, 1A
Zone	RF-1 (Moderate density rowhouses and flats)
Historic District or Resource	None
Lot Characteristics	Trapezoidal lot at the end of a rowhouse row, at the corner of Warder Street and Rock Creek Church Road; 38.5’ wide at front, 27.2’ wide at rear; Somewhat shallow for a rowhouse lot at 62.5’ deep; Grade of lot is raised above surrounding streets and alley; 15’ alley at rear.
Existing Development	Three story residential building; Rear patio and no rear garage or parking pad.
Adjacent Properties and Neighborhood Character	Rowhouse to the south is the same size, but with a rear garage at the cellar level; The neighbor’s garage directly abuts the rear property line; Across the alley to the west is a similarly sized rowhouse; Immediate neighborhood is mostly rowhouses; A market is located across Warder Street.

Proposal	Construct an addition at the cellar level to house the applicant’s artist studio; Cellar addition would abut the rear property line; Enclose existing addition at the first floor and porch at the second floor.
----------	--

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant requests relief for rear yard in order to construct as proposed.

Item	Regulation	Existing	Proposed	Relief
Lot Width E 201	30’ (semi-detached)	<u>32.8’ (avg.)</u> 38.45’ (front) 27.21’ (rear)	No change	Conforming
Lot Depth	n/a	62.5’	No change	Conforming
Lot Area E 201	2,052 sf	3,000 sf	No change	Existing Non-conforming
Pervious Surface E 204	20%	Not provided	Not provided	Assumed Conforming
Height E 303	35’	33’4”	No change	Conforming
Lot Occupancy E 304	60%	53%	58%	Conforming
Front Setback E 305	w/i range existing on block	No porch roof	No change to conditioned space	Conforming
<b>Rear Yard E 306</b>	<b>20’</b>	<b>10’10” (weighted avg; 9’2” min.; 11’4” max.)</b>	<b>0’ – cellar 11’4” – 1<sup>st</sup> and 2<sup>nd</sup></b>	<b>Requested</b>
Side Yard E 307	None required for corner lot; 5’ if provided	7’1” min	No change	Conforming
Parking	1 for a flat	0	No change	Existing Non-conf.

### IV. ANALYSIS

#### SUBTITLE E § 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 seeks a special exception for rear yard.

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

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The subject of the application is an addition to an existing residential building.

*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 light and air available to neighboring properties should not be unduly affected. The house at the first and second floors would be nearly identical in size to the existing house. The addition at the cellar level would add a small amount of shadow, but that would fall almost exclusively on the alley and on the applicant's property.

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

The proposed addition would allow for a new deck at the level of the first floor of the house. While potentially allowing some additional views onto nearby lots, the new deck would match the decks on adjacent properties and the views from the subject site would be the same as the views currently observed from the other houses on the alley. Views from the upper levels would not be substantially different than what currently exists.

- (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 new cellar addition for the artist studio should not be highly visible from the street, and would match in scale the existing rear garages and rear decks which exist on most of the other houses on the subject block frontage. The addition, therefore, would match the existing character of 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; and*

The application includes plans, elevations, photographs and renderings to represent the existing and proposed conditions.

*(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The application proposes a lot occupancy of 58%.

*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.*

OP recommends no special treatments.

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

The applicant proposes to use the property as a flat, a permitted use in this 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 height of the house is conforming and would not change.

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

As of this writing OP has not received comments from other agencies.

## **VI. COMMUNITY COMMENTS**

The record includes a letter in support from the ANC at Exhibit 28.