

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: November 21, 2018

SUBJECT: BZA Case 19878: Request for special exception relief pursuant to Subtitle D § 5201.1 from D § 307.1 and D § 308.1 and special exception relief to D § 1401.3 to allow for the construction of a covered porch, a detached garage and retaining walls.

I. OFFICE OF PLANNING RECOMMENDATION

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

- C § 1401.3, Retaining Wall Height (4 feet permitted, 5 feet proposed); and

OP recommends **approval** of the following area special exceptions pursuant to Subtitle D § 5201:

- D § 307.1, Side Yard (8 feet required, none existing; 5 feet proposed);
- D § 308.1, Pervious Surface (50% minimum required, 46% existing, 46% proposed); and

Subject to the following condition:

That the applicant take precautions for the protection of the existing evergreen tree within the South Dakota Avenue public space as may be directed by an arborist to ensure its survival and ability to screen the proposed covered deck following construction.

II. LOCATION AND SITE DESCRIPTION

Address	2931 South Dakota Avenue, N.E.
Applicant	Giulio Girardi
Legal Description	Square 4339, Lot 39
Ward, ANC	Ward 5, ANC 5C
Zone	R-1-B
Lot Characteristics	Quadrilateral corner lot with no alley access, a 15-foot building restriction line along Carlton Avenue and a shared driveway with the property to the northeast accessible from Carlton Avenue. A mature evergreen tree is located within public space, south of the detached dwelling
Existing Development	Two-story detached dwelling with off-street parking
Adjacent Properties	One-family detached dwellings

Surrounding Neighborhood Character	Low density residential
Proposed Development	Construction of a detached garage, a covered porch attached to the dwelling and a retaining wall to level out the rear yard

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height D § 303	40-foot max.	28 feet	28 feet	None Required
Lot Width D § 302	50-foot min.	39.95 feet	39.95 feet	None Required
Lot Area D § 302	5,000 sq.ft. min.	3,728 sq.ft.	3,728 sq.ft.	None Required
Lot Occupancy D § 304	40% max.	28%	37%	None Required
Rear Yard D § 306	25-foot min.	39.09 feet	27.57 feet	None Required
Side Yard D § 307	8-foot min.	None	5 feet	REQUIRED
Pervious Surface D § 308	50% min.	46%	46%	REQUIRED
Parking C § 701	1 space min.	2 spaces	2 spaces	None Required
Retaining Wall Height C § 1401.3	4-foot max.	N/A	5 feet	REQUIRED

IV. OP ANALYSIS

A. Subtitle D Chapter 5201, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

i. 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 application requests relief under this section for rear yard and pervious surface.

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 application proposes a covered deck addition to the one-family detached dwelling (a principal dwelling unit) and the construction of a detached garage, a new accessory structure to the principal 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:

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

The western side lot line of the subject property is set back 26 feet from the South Dakota Avenue public sidewalk. The existing dwelling, constructed prior to 1958, is nonconforming as it provides no set back from the western side lot line. An eight-foot setback from the west side lot line is required for the construction of the covered deck. As this side yard faces a street and not an abutting or adjacent dwelling or property, the deck should have no effect on the use of neighboring dwellings or property.

The reduction in the minimum amount of pervious area permitted would not affect light and air to neighboring properties.

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

The only neighboring property directly affected by the reduced west side yard would be the dwelling on the west side of South Dakota Avenue, a road with a 120-foot wide right-of-way. The proposed covered deck would conform to the minimum side and rear yard setbacks to the east and south. The combination of the proposed five-foot west side yard set-back and the 120-foot right-of-way width, for a total of 125 feet, plus the existing evergreen tree that would buffer views of the covered deck to the west, should result in the privacy and use of neighboring properties not being adversely affected.

Additionally, maintaining the pervious surface area of the lot at 46 percent as it currently exists should have no effect on either privacy or use of any of the 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 reduction of the minimum South Dakota Avenue side yard from eight to five feet, a three-foot reduction, would be minimally discernable from the street, as the distance between the side lot line of the subject property along South Dakota Avenue and the public sidewalk is 26 feet, and the covered deck would be screened from view by an existing evergreen tree.

Construction of the covered deck and detached garage would contribute to amount of pervious surface coverage of the lot, but would, except for the east side yard for the covered deck, comply with the applicable yard requirements. Pervious surface coverage would remain the same, as the applicant also proposed to remove some of

the existing pervious surface coverage as a part of the construction process.

(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 submitted plans, elevations and photographs sufficient to represent the proposed garage, covered deck and driveway modifications to adjacent buildings and 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.

OP recommends the applicant take precautions for the protection of the existing evergreen tree within the South Dakota Avenue public space as may be directed by an arborist to ensure its survival and ability to screen the proposed covered deck following construction.

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

The subject application would not result in the introduction or expansion of a nonconforming use.

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 subject application would not result in the introduction or expansion of nonconforming height or number of stories.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed pervious surface of 46 percent would be the same as the existing situation. Due to the location of a shared driveway along the eastern lot line, the width of the dwelling and the width of the lot, options for the addition of a detached garage are limited. The shared driveway cannot be relocated and there is insufficient yard width directly east of the dwelling for the garage, precluding the driveway from being shortened. The proposal would allow the applicant to construct a detached garage accessory to a one-family detached dwelling, as commonly found within the R-1-B zone.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal would not tend to adversely affect adjoining properties. The amount of pervious surface on-site would not increase, but instead redistributed. The existing shared concrete driveway on the east side of the lot cannot be removed or relocated as is it provides vehicular access to the adjoining property.

B. Subtitle C, § 1402 SPECIAL EXCEPTION FROM RETAINING WALL REQUIREMENTS

- i. *Retaining walls not meeting the requirements of this section may be approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X. In addition to meeting the general conditions for being granted a special exception as set forth in that subtitle, the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would to make full compliance unduly restrictive, prohibitively costly, or unreasonable.*

The applicant proposes the construction of new retaining walls in the rear yard to level out the yard and increase its utility. To accomplish this the applicant proposes a 3.67-foot high wall along the southern lot line, in conformance with the regulations. However, on the west side of the driveway in the rear yard three small sections of retaining wall around a proposed stair to provide access between the driveway and the rear yard are proposed to be five feet in height. These segments, none longer than 5 feet, 11 1/8 inches, would result in a level area of approximately 450 square feet in the rear yard. Reducing the height of these retaining walls would require the construction of additional walls or a sloping rear yard, reducing the usable area of the small rear yard.

- ii. *Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*

The increase in height of a portion of the proposed retaining wall by one foot would better allow the applicant to create a usable rear yard, a common feature for one-family detached dwellings in the R-1-B zones.

- iii. *Would the proposal appear to tend to affect adversely, the use of neighboring property?*

The increased height of a portion of the retaining walls by one foot, 12.7 feet inside the east side lot line, should not adversely affect the use of neighboring properties.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other District agencies were received as of the date of the filing of this report.

VI. COMMUNITY COMMENTS TO DATE

No community comments were received.

Attachment: Location Map

