



## MEMORANDUM

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

**FROM:** Arthur Jackson, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** November 12, 2013

**SUBJECT:** **BZA Case 18670** – Expedited review requested pursuant to § 3118 for special exception relief in accordance with § 223 for a two-story rear addition to a three-story detached dwelling located at 3704 Military Road NW

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends special exception approval** in accordance with § 223 from § 404.1 (a minimum rear yard setback of 25 feet is required, approximately 21.15 feet is proposed with the dwelling addition).

### II. AREA AND SITE DESCRIPTION

Address:	3704 Military Road NW
Legal Description:	Square 1873, Lot 0041
Ward:	3G
Lot Characteristics:	The subject 4,500 square-foot (0.10 acre) property fronts Military Road and a public alley 10-15 feet wide along its southern (rear) boundaries. An east-to-west building restriction line 15 feet south of Military Road extends across the entire lot.
Existing Development:	A three-story detached dwelling of frame construction with a narrower two-story rear addition with a ground floor sunroom and “sleeping porch” above. DC land records indicate the dwelling was originally constructed in 1919. According to the submitted plat, the dwelling sits approximately 15 feet back from the eastern (side) boundary, 25 feet from the rear (southern) boundary adjacent to the alley and 5 feet back from the western (side) boundary. The rear yard parking pad can be accessed directly from the alley and a wooden stockade fence extends along a portion of the western boundary (reference Figures 1 and 2).
Zoning:	<i>R-1-B</i> – allows one-family detached dwellings as a matter of right.
Historic District:	None.
Adjacent Properties:	Predominantly two- and three-story detached dwellings of similar construction.
Surrounding Neighborhood Character:	Moderate-scale residential.



**III. APPLICATION IN BRIEF**

Applicants:	Robert Rubin, owner of record
Proposal:	<p>The proposed construction would square the building and extend the two floors of the previous addition 3.75 feet further south while maintaining the current side yard setbacks.</p> <p>This would reduce the existing rear yard setback of 25 feet, which conforms to the requirement under § 404, to just under 22 feet and make it nonconforming. The existing and proposed setback of 15 feet from the eastern boundary exceeds the minimum 8 feet required for detached dwellings in the R-1-B under § 405.9. On the west side, § 405.8 also allows additions to buildings with side yard setbacks of at least 5 feet, that existed before May 12, 1958, as long as the additions would maintain this setback.</p> <p>As a result, the applicant submitted this request for zoning relief.</p>
Relief Sought:	§ 223 – special exception relief from the required rear yard setback.

**IV. ZONING REQUIREMENTS**

R-1-B District	Regulation	Existing	Proposed	Relief:
Rear Yard (ft.) § 404	25 ft. min.	25 feet	21.75 feet	- 3.75 feet

Based on the OP analysis, no additional zoning relief appears to be is required for this proposal.

**V. OFFICE OF PLANNING ANALYSIS**

Special exception relief in accordance with § 223 from § 404.1

*223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

One-family detached dwellings are permitted uses in the R-1-B district. The application requests special exception relief under § 223 from § 404 because the proposed rear addition would encroach into the required rear yard of 25 feet.

*223.2 The addition or accessory structure shall not have a substantially adverse affect 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 two-story rear addition would maintain the scale of the existing dwelling and come no closer to the side boundaries than the overall dwelling does currently. The extended structure would still be over 20 feet from the rear boundary. As a result, the air and light available to neighboring properties would not be impacted.

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

The applicant indicated that exterior windows on both floors of the original dwelling and the jalousie windows in the earlier addition would be replaced with energy efficient windows of the same size. As a result, views from the rear and sides of the addition would not be substantially different from what exists currently and the privacy of use and enjoyment of neighboring properties would 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; and*

The proposed addition would not be readily visible from Military Road. According to the applicant, it would be the same height as the existing dwelling, constructed of similar clapboard siding and painted the same color. As a result, it would not visually intrude upon the character, scale, and pattern of houses along 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.*

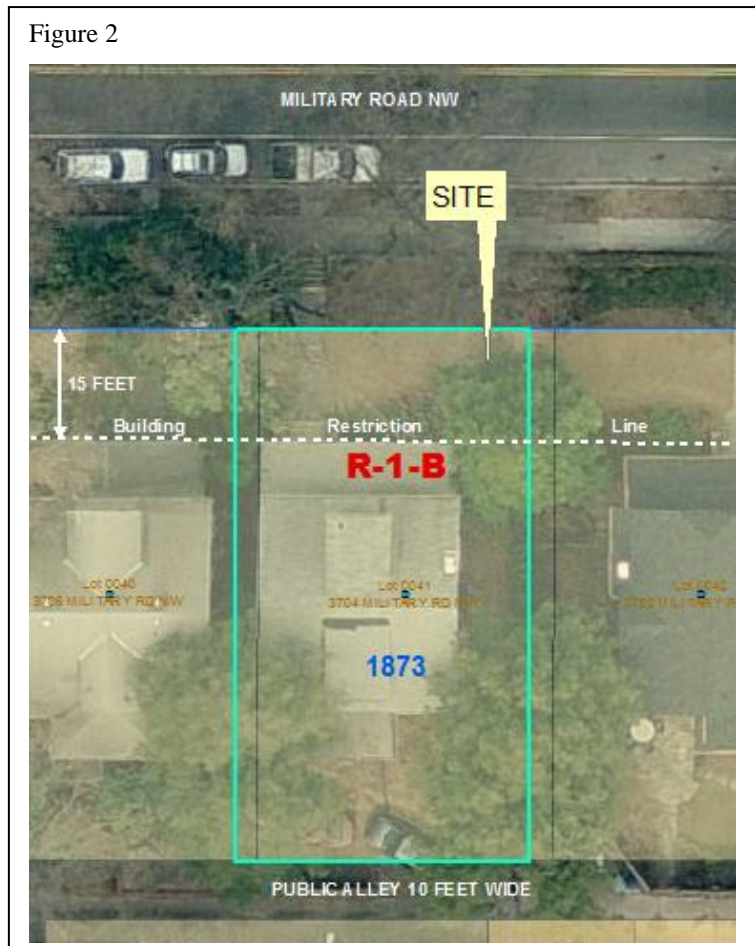
Submitted plans and photographs were adequate.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

According to the zoning computation submitted with the application, the proposed addition would increase the current lot occupancy from 32% to 36% which is less than the 40% allowed as a matter of right in the R-1-B district.

- 223.4 *The Board 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.

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

Granting this request would not introduce or expand a nonconforming use.

Based on this analysis, the application meets the standards for special exception approval.

## **VI. AGENCY REVIEW**

To date, the District Department of Transportation has not provided any comments on this case to the record file.

## **VII. COMMUNITY COMMENTS**

On October 29, 2013, the applicant indicated that Advisory Neighborhood Commission (ANC) 3G voted unanimously to support this application during a regularly scheduled meeting.

Letters of support from neighbors residing at 3706 Military Highway, 3706 and 3733 Kanawha Street MW are also in the case record file.