

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: November 3, 2015

SUBJECT: BZA Case 19120 request for a special exception to construct a rear addition to an existing one-family dwelling in the R-1-B District at premises 4308 47th Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 404.1 Rear Yard (20 feet minimum required; 13.3 feet existing; 11.3 feet proposed); and
- § 2001.3 Non-conforming Structures

II. LOCATION AND SITE DESCRIPTION:

Address:	4308 47 th Street NW (the “Subject Property”)
Legal Description:	Square 1533, Lot 28
Ward:	3
Lot Characteristics:	The rectangular corner lot is 91 feet wide along the 47 th Street frontage and 50 feet deep. Yuma Street NW borders the lot to the north. The lot measures 4,583 square feet in lot area.
Zoning:	R-1-B
Existing Development:	Two-story single-family detached dwelling
Historic District:	NA
Adjacent Properties:	Adjacent properties primarily include single-family detached dwellings.
Surrounding Neighborhood Character:	The neighborhood is characterized by single-family detached dwellings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	David Kang and Amy Calomoris (the “Applicant”)
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Proposal:	The Applicant proposes to reconfigure a portion of the existing footprint of the single family dwelling situated on the Subject Property. The two foot decrease in the nonconforming rear yard would be attributable to a second story cantilevered bay portion of the addition atop the existing first floor garage.
Relief Sought:	§ 404.1 Rear Yard § 2001.3 Non-conforming Structures



V. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft.	33 ft.	33 ft.	None required
Lot Width § 401	50 ft.	50 ft.	50 ft.	None required
Lot Area § 401	5,000 sf.	4,582.5 sf.	4,582.5 sf.	Existing Nonconforming
Floor Area Ratio § 402	NA	NA	NA	None required
Lot Occupancy § 403	40%	>40%	39.6%	Relief required
Rear Yard § 404	25 ft. min.	13.4 ft.	11.4 ft.	Relief required
Side Yard § 405	8 ft. min.	4 ft.	4 ft.	None required
Court § 406	NA	NA	NA	None required



IV. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

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.

Detached one-family dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §404.1, Rear Yard. The proposed addition would not create a new nonconformity, but would reduce the already nonconforming rear yard at the south of the Subject Property.

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 addition should not unduly affect the light and air available to neighboring properties. The portion of the addition adjacent to 4702 Yuma Street would be a single-story. The proposed addition would not extend further to the west than the existing structure, and would continue to be separated through side yards from the neighboring house to the west (4702 Yuma Street NW) by 13 feet. However, the proposed addition could have some limited impact to 4702 Yuma Street's light during the morning hours. OP has suggested to the Applicant that they provide a shadow study.

Further, the proposed addition would not affect the light and air to the property to the south, (4304 47th Street NW), as the neighboring house would be separated by over 35 feet from the proposed structure.

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

An existing six-foot privacy fence screens the Subject Property from the neighboring property to the west. The portion of the addition adjacent to the neighboring property at 4702 Yuma Street would be a single-story. Further, the second story addition atop the existing one-story garage, including the bay window projection, is approximately 34 feet from the face of the building on the adjacent lot to the south.

(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 addition would not visually intrude upon the character, scale and pattern of houses along the street frontage. The Subject Property is screened by an existing 6-foot privacy fence and trees. The second story addition atop the garage would be visible from 47th Street, but it would be designed to be visually compatible with the character, scale, and pattern of the houses in the neighborhood.

(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.

The Applicant has provided graphical representations, including a site plan, elevations, and photographs to demonstrate the relationship of the proposed addition to adjacent buildings and views from public ways.

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.

The lot occupancy of all new and existing structures on the lot would be 39.6%, which is less than the 40% permitted by right.

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.

The Office of Planning does not at this time propose special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

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

The proposed use is a detached single family dwelling, which is permitted in this District.

VI. COMMUNITY COMMENTS

As of this writing, no comments from the ANC have been submitted to the record.

A letter from the immediate neighbor residing at 4702 Yuma Street NW in opposition to the proposal has been submitted to the record.