

**MEMORANDUM**

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

**FROM:** Karen Thomas, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** November 4, 2016

**SUBJECT:** BZA Case 19367 - request for special exception relief under Subtitle D § 5201 for an addition to an existing dwelling at 4831 Alton Place NW

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 306.1 Rear Yard (25 feet required, 3 feet proposed); and
- § 307.1 Side Yard (8 feet required, 1.67 feet proposed).

**II. LOCATION AND SITE DESCRIPTION:**

Address:	4831 Alton Place NW
Applicant	Frank and Andrea Mirkow
Legal Description:	Square 1498, Lot 821
Ward / ANC:	3/ANC 3E
Zone: R-1-B	Primarily detached dwellings
Lot Characteristics:	The lot is flat and rectangular, fronting on Alton Place and abutting a 16-foot wide alley at the rear.
Existing Development:	The property is currently developed with a two-story, brick, detached dwelling and a garage at the rear.
Adjacent Properties:	The property to the west (4831 Alton Pl. NW) and east (4827 Alton Pl. NW) are developed with single family homes, which are similar to the homes across the alley to the north and across Alton Place to the south.
Surrounding Neighborhood Character:	The surrounding neighborhood is primarily developed with detached dwellings.
Proposed Development:	The applicant proposes to renovate the existing home with a second-story addition at the rear of the principal structure and demolish and construct a new garage with a second floor servant's quarters above the garage.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R-1-B Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed <sup>1</sup></b>	<b>Relief:</b>
Height (ft.) §	40 ft. max. 20 ft. max (accessory structure)	23.25 ft.	23.25 ft., 20 ft. (accessory structure)	None required
Lot Width (ft.) §	50 ft. min.	45 ft.	45 ft.	N/A
Lot Area (sq.ft.) §	5,000 sq.ft. min.	4,590 sq.ft.	4,590 sq.ft.	N/A
Floor Area Ratio §	None prescribed	N/A	N/A	N/A
Lot Occupancy §	40 % max.	30.8 %.	33.6 %	None required
Rear Yard (ft.) §	25 ft. min.	32.3 ft.	3 ft.	<b>Required</b>
Side Yard (ft.) §	8 ft. min.	8.3 ft.	1.67 ft.	<b>Required</b>

**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.*

According to the Zoning Administrator’s memorandum of August 8, 2016 (Exhibit 6), the proposal would require relief from the rear yard and side yard requirements of §§ 306.1, 307.1, respectively.

*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 proposal includes an addition to the principal structure, including a second story addition to the rear for the purpose of creating additional living area on the second level; and rebuilding the existing accessory garage accessory structure to include a second story.

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<sup>1</sup> 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 light and air to the neighboring properties should not be unduly affected by the proposed additions. The addition to the principal dwelling would be on the west side of the subject property, and its visibility from the property to the east would be shielded by mature trees and shrubbery, which are not proposed to be removed by the applicant. In addition, the accessory structure and the addition above would be beyond the neighboring structure's rear wall towards the alley and should not affect light and air to the rear yard.

The addition to the main structure should not unduly affect the light and air to the neighboring property to the west, as the existing footprint of the main structure of the subject property would not be expanded beyond what currently exists.

The homeowner to the west originally wrote a letter in support of the proposal, which is included with the applicant's submission (Exhibit #4), but has since submitted a letter noting objections (Exhibit 29); *the applicant is encouraged to have further discussions with this neighbor to address concerns related to shading, and the proposed addition to the garage.*

The applicant's representative informed OP that shadow studies and additional drawings would be provided at the hearing.

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

The privacy and use of neighboring properties should not be unduly compromised by the requested relief, due to the existing privacy screening along both property lines to the east and west, and the 16-foot wide alley separation, which will be maintained by the applicant, along with the existing vegetation, mentioned prior. Operable windows are not proposed on the west elevation of the addition to adversely impact the privacy of neighbors to the east. Fixed glass windows proposed on the east facing elevation of the garage and second level would be closer to ceiling height and function to only provide light to that structure.

(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 accessory structure should not unduly intrude upon the character of the homes as viewed from the alley, as there are similar structures at different locations along the alley. The new accessory structure would be barely visible from the street frontage via the side yard, as trees and vegetation would obscure the view from public space.

- (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*

Plans and relevant photos are provided in the record as [Exhibits 5,7 and 11](#).

- (e) *The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:*

**TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY**

<b>Zone</b>	<b>Maximum Lot Occupancy</b>
R-3 , R-13, R-16	70%
R-20 – attached dwellings only	70%
R-20 – detached and semi-detached dwellings	50%
All Other R zones	

The proposed lot occupancy would be 33.60%, less than the maximum 50% permitted under this provision.

- 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 does not propose additional screening or other features for the protection of adjacent and nearby properties, but recommends that the applicant discuss the proposal and ways to mitigate concerns of neighbors.

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

The residential use and related accessory structure is permitted 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 both second level additions would not exceed the maximum permitted height of 35 feet.

### **Subtitle X Chapter 901 SPECIAL EXCEPTION REVIEW STANDARDS**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

*(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposal would be in harmony with the purpose and intent of the regulations which seek to stabilize the single-family residential areas and promote a suitable environment for family life (§ 300.1). The proposed renovations are intended by the applicant to create additional room for a growing family and the proposal does not exceed the maximum development standards permitted in this zone.

*(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As demonstrated by the satisfaction of the criteria above, the proposed renovation is not anticipated to adversely impact the use of neighboring property.

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

Other District agencies' comments were not observed in the record at the writing of this report.

### **VI. COMMUNITY COMMENTS**

The most affect neighbor at 4833 Alton Place submitted a letter in support to the record, but has since submitted a letter of objection.

The neighbor across the alley, at 4832 Albermarle Street, NW. submitted a letter in support, as part of the application.

The applicant is scheduled to meet with the ANC 3E on November 11, 2016.

Attachment: Location Map



