

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: January 5, 2018

SUBJECT: BZA Case 19663, 4517 New Hampshire Avenue, NW – Special Exception to permit an addition in the R-3 zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following relief pursuant to X § 901, for special exceptions under D § 5201, from the following:

- D § 304.1, lot occupancy (60% permitted; 61.49% existing; 69.5% proposed).

The Applicant requested relief from the minimum lot dimensions of D § 302.1; however, OP does not believe that relief is necessary. The application was revised to reflect an Accessory Dwelling Unit (ADU) in the cellar; in lieu of conversion to a flat (Exhibits 30 and 31). The Applicant has not provided an analysis of the criteria in U § 253; however, OP believes the proposed ADU would conform with the regulations and could be permitted as a matter-of-right.

II. LOCATION AND SITE DESCRIPTION

Address	4517 New Hampshire Avenue NW
Applicant	Gay Hardwick, Architect on behalf of Alexandra McDougald and Robert Norris, Owners
Legal Description	Square 3308, Lot 47
Ward / ANC	Ward 4 / ANC 4C
Zone	R-3 - The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three or more row dwellings.
Historic District or Resource	Not applicable.
Lot Characteristics	The Property is rectangular in shape and measures 19.8 feet in width and 100 feet in depth. It is bound by New Hampshire Avenue NW to the west, a 15-foot improved public alley to the east, and adjoining row dwellings to the north and south.

Existing Development	The Property is improved with a two-story single-family row dwelling with an existing one-story garage at the rear of the Property.
Adjacent Properties	The adjacent properties are improved with two-story row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character with the Rock Creek Church Cemetery to the east.
Proposed Development	The Applicant is proposing to rebuild and extend the existing 2-story enclosed rear porch. The Applicant is also proposing to construct an accessory dwelling unit in the cellar.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-3	Regulation	Existing	Proposed	Relief
Height D § 303	40 ft. max./3 stories	31.38 ft.	31.38 ft.	None required
Lot Width D § 302	20 ft.	19.87 ft.	19.87 ft.	Existing Nonconforming
Lot Area D § 302	2,000 sq. ft. min.	1,987.4 sq. ft.	1,987.4 sq. ft.	Existing Nonconforming
Floor Area Ratio	None prescribed			None required
Lot Occupancy D § 304	60% max.	61.49%	69.5%	Requested
Rear Yard D § 306	20 ft. min.	54.58 ft.	47.4 ft.	None required
Side Yard D § 307	None req., 5 ft. min. if prov.	--	--	None required

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to D § 5201 from the lot occupancy requirements of D § 304.

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 is proposing to rebuild and extend an existing two-story rear addition with a deeper

two-story rear addition. The applicant is requesting relief from the lot occupancy requirements to permit the expansion of an existing nonconforming structure.

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 applicant is requesting relief for construction of 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 proposed addition would extend approximately seven (7) feet beyond the adjoining properties and would be lower in height than the existing two-story row dwellings. As such, the proposed rear addition should not unduly affect the light and air available to the neighboring properties.

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

The proposed addition would not have windows on the side elevations; therefore, the privacy of neighbors should 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;*

The proposed addition would not be visible from New Hampshire Avenue, NW. From the alley, the proposed addition would replace an existing enclosed porch. The addition would be clad in a Hardiplank siding, which would be in character with surrounding houses. As viewed from the street and alley, the proposed addition should not visually intrude upon the character, scale and pattern of houses on New Hampshire Avenue, NW.

- (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 provided sufficient information, including plans, photographs, and elevations to demonstrate compliance with paragraphs (a), (b) and (c) of this subsection.

- (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 lot occupancy is currently 61.49%. The proposed addition would increase the lot occupancy to 69.5%, which would remain below the maximum permitted lot occupancy by special exception of 70%.

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.

No special treatment is recommended.

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

The Applicant is proposing to locate an ADU in the cellar. The proposed addition would not permit the introduction 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 house would measure three stories and 31.38 feet in height, which would not exceed the 40-foot maximum permitted height in the R-3 zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District Agencies had not been received at the time this report was written.

VI. COMMUNITY COMMENTS

The ANC had not submitted a resolution to the record at the time this report was written.

The Applicant provided copies of letter in support from neighbors at Exhibit 15. This includes the adjoining property at 4515 New Hampshire Avenue, NW.

JL/emv

Attachment: Location Map

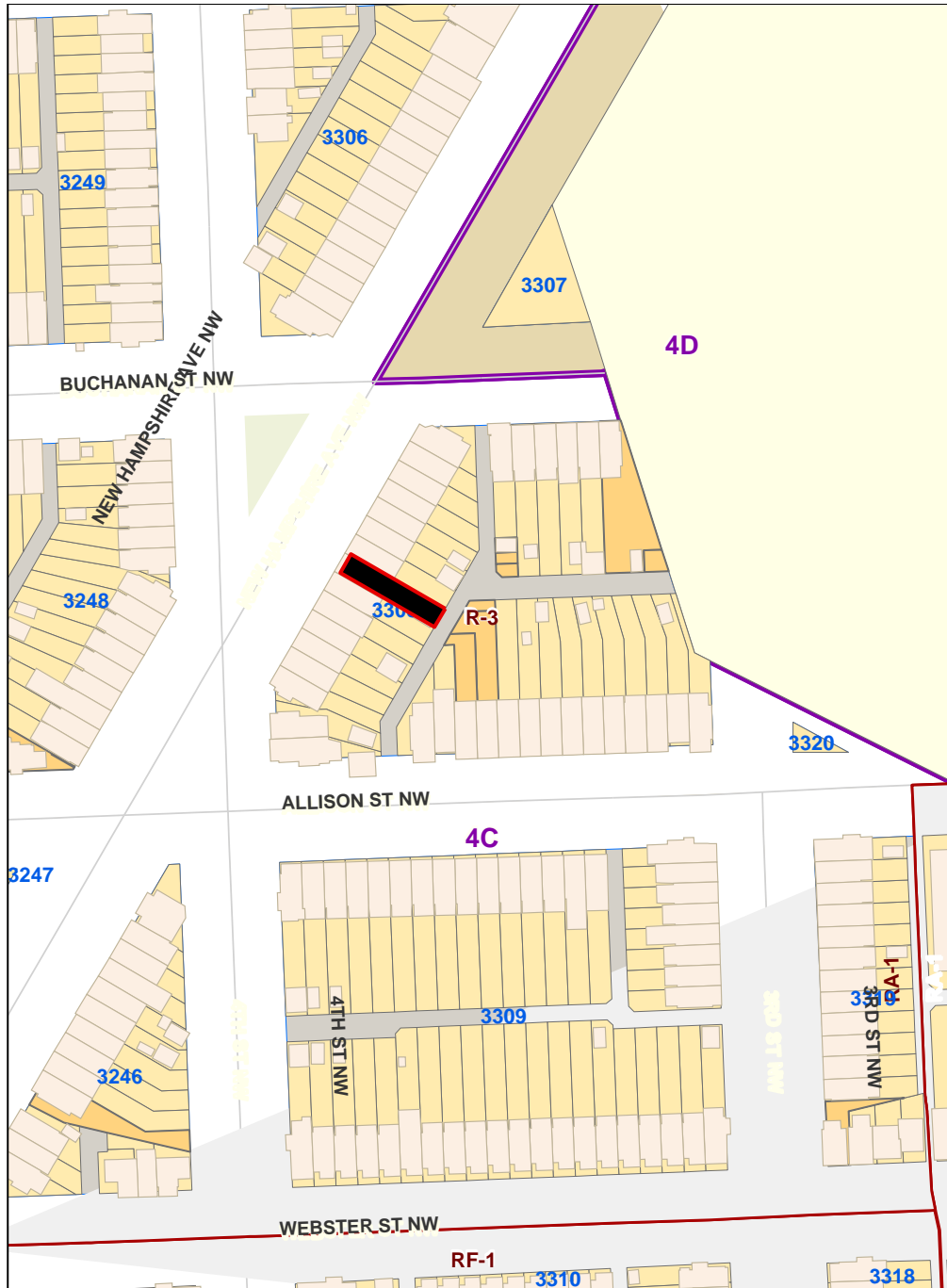


Figure 1: Location Map