

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JLS
for Joel Lawson, Associate Director Development Review
DATE: June 28, 2016

SUBJECT: BZA Case 19241 - request for special exception relief under § 223 to allow a porch and sunroom addition in the R-2 District.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2 Maximum lot occupancy (40% maximum permitted as a matter-of-right, 50% maximum permitted as a special exception 46.4% proposed); and
- § 404.1 Minimum rear yard (20 feet minimum required, 0 feet proposed (in part))¹.

II. LOCATION AND SITE DESCRIPTION

Address	852 50 th Place NE
Applicant	Ira Hartwell
Legal Description	Square 5177W, Lot 0019
Ward / ANC	7/ANC 7C
Zone	R2 – detached and semi-detached single family dwellings.
Lot Characteristics	Triangular corner lot encumbered with a 10-foot wide building restriction line.
Existing Development	Semi-detached single-family dwelling, permitted in this zone.
Adjacent Properties	Semi-detached single family homes.
Surrounding Neighborhood Character	Primarily semi-detached single family homes.
Proposed Development	The applicant proposes to add a sunroom and porch to the existing two-story home. The structures were partially built by a contractor originally assigned to the project, who proceeded without the required permits. The Zoning Administrator, by letter dated January 6, 2016 determined that the proposal would require special exception relief under § 223 from the requirements of §403.2, maximum lot occupancy and § 404.1 minimum rear yard setback.

¹ The triangular shape of the lot and the placement of the existing home on the lot results in a rear yard of variable width. See Attachment.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed ²	Relief:
Height (ft.) § 400	40 ft. max.	25 ft., 2 stories	25 ft.	None required
Lot Width (ft.) § 401	30 ft. min.	58.8 ft.	58.8 ft.	None required
Lot Area (sq.ft.) § 401	3,000 sq.ft. min.	1,880.74 sq.ft.	1880.74 sq.ft.	Existing noncon.
Lot Occupancy § 403	40 % max.	34.9%.	46.4 %	Relief required
Rear Yard (ft.) § 404	20 ft. min.	Varies.	Varies , 0 ft.	Relief 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.

Semi-detached single-family dwellings are a permitted use in this zone.

223.2 The 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 porch and sunroom should not affect the light and air available to neighboring property since it would be well separated from the adjacent structure by a side yard with a minimum of 8 feet.

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

The one-story screened in sunroom and attached porch is not anticipated to unduly compromise the neighbor’s privacy, beyond what currently exists. The screened porch would be visible from the neighbor’s driveway, which is not an unusual situation due to the property’s location fronting two streets.

The subject and abutting properties are separated by a chain linked fence and it appears that there is a small home garden area. The proposed screening should obscure visibility into the abutting neighbor’s windows. It is suggested that the applicant include evergreen shrubs along the fencing to enhance privacy with the neighboring property and views from public space.

² Information provided by applicant.

- (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 one-story sunroom and attached porch would be visible from 50th Place. However, it would not appear out of character with respect to the scale and pattern of homes as viewed from public space.



Partial Deck and Porch addition viewed from 50th Place.

- 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 above is provided in the record.

- 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 proposed lot occupancy would be 46%, not exceeding the maximum 50% permitted as a special exception by this provision.

- 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.*

OP suggests that the applicant include shrubbery along the chain-linked property line in the area of the porch, which may act as a natural screening between the subject and adjoining property to the south.

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

The single-family home is a permitted use and the sunroom and deck are accessory to the use.

V. COMMENTS OF OTHER DISTRICT AGENCIES

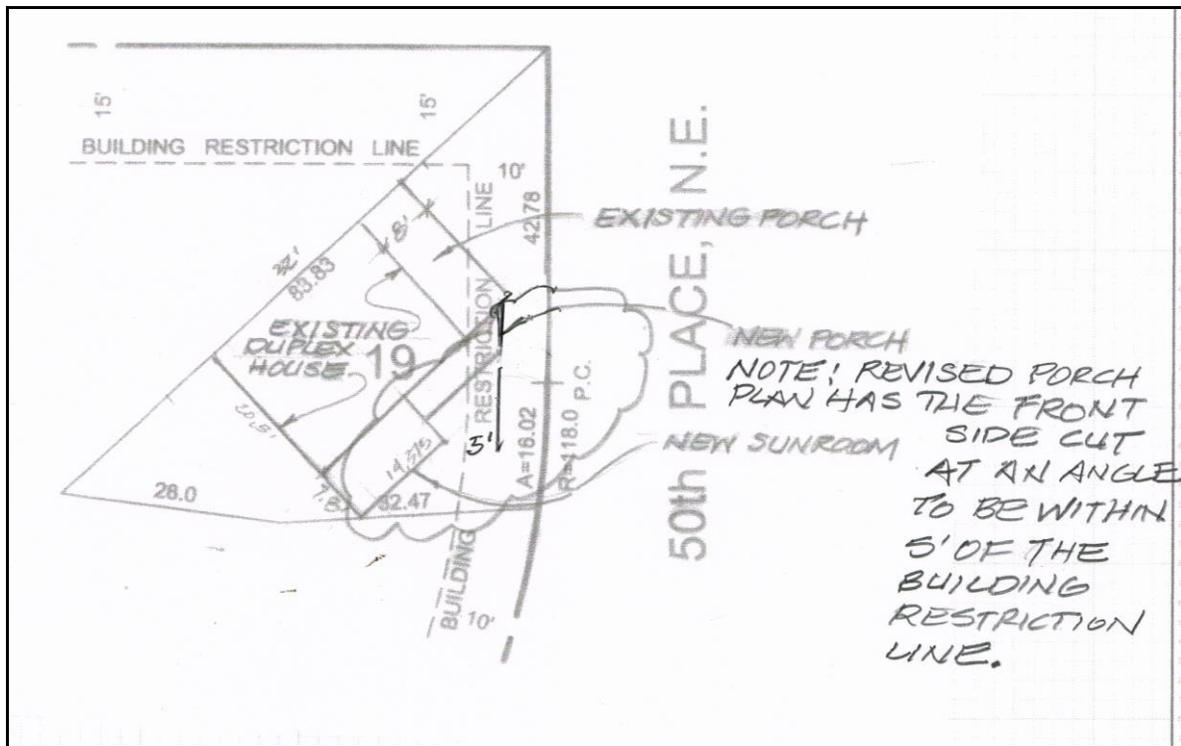
Comments were not received from any other agency.

VI. COMMUNITY COMMENTS

The applicant informed OP that there has been communication with the ANC but was not able to be included on the agenda for the ANC's scheduled June meeting.



Location and Zoning Map



Surveyor's Plat