



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** September 28, 2010  
**SUBJECT:** BZA Case 18110 - request for special exception relief under § 223 to construct an addition to an existing semi-detached dwelling at 2912 38<sup>th</sup> Street, NW.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of this application pursuant to §223, to permit a two-story plus basement addition to an existing dimensionally non-conforming semi-detached single family house on a non-conforming lot at 2912 38<sup>th</sup> Street. N.W., requiring special exception relief as follows:

- § 401.3 lot area, to allow 2966 SF when at least 3000 SF is required;
- § 401.3 lot width, to allow 23 feet when at least 30 feet is required;
- § 403.2 lot occupancy, to allow 50% when no more that 40% is permitted ;
- § 405.9 side yard, to allow six feet four inches when at least eight feet is required;
- § 406.1 open court, to allow an eight foot wide open court on the second floor when at least ten feet width is required.

### **II. LOCATION AND SITE DESCRIPTION:**

Address:	2912 38 <sup>th</sup> Street, NW
Legal Description:	Square 1814, Lot 38
Ward:	3, ANC 3C
Lot Characteristics:	Rectangular. Slopes down from front to back, putting basement level fully above ground in rear. Side frontage on alley permits windows.
Zoning:	R-2 – detached and semi detached single family dwellings.
Existing Development:	Semi-detached dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Semi-Detached house to north; separated by alley to south.
Surrounding Neighborhood Character:	Residential single family semi-detached and detached in 3 directions; multi-family to east, along Wisconsin Avenue.



**Figure 1. Site Location**



**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Christian and Carolyn Westermann
Proposal:	Remove rear deck counting toward lot occupancy and, in approximately same location, construct two-story plus basement rear addition to existing semi-detached house. Creates new open court at 2 <sup>nd</sup> floor, and adjacent to side yard.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

**Figure 2. Existing Structure**



Figure 3. Area of Proposed Addition

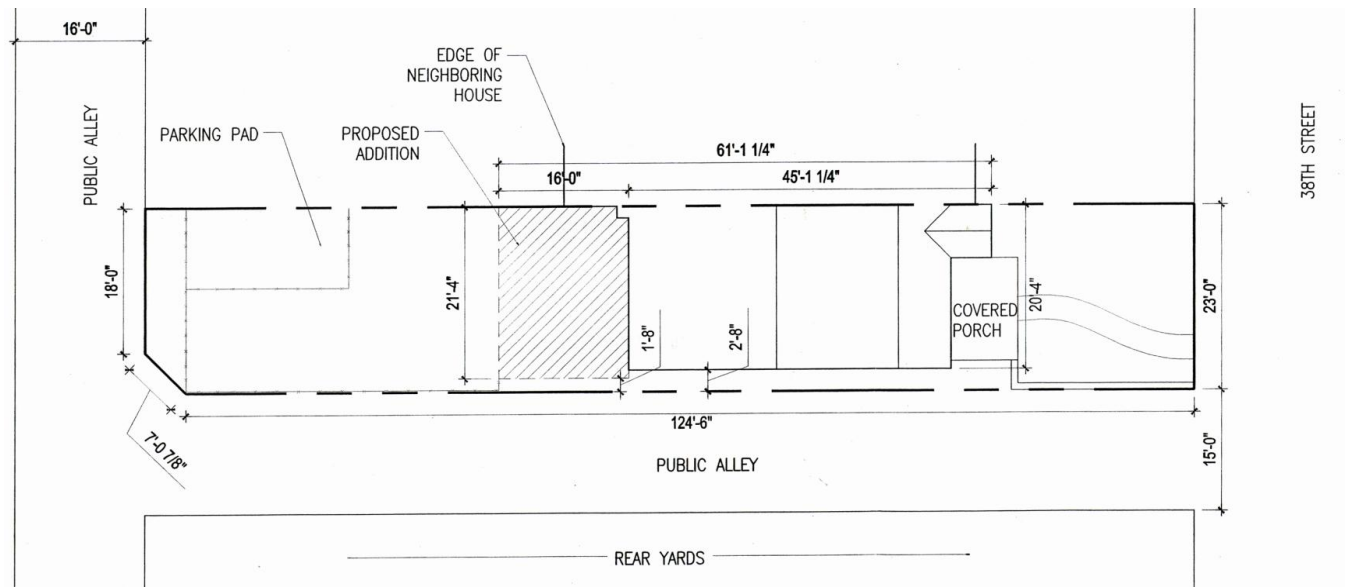


Figure 4. Proposed Rear and Side Facades



**IV. ZONING REQUIREMENTS**

<b>R-2 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed <sup>1</sup></b>	<b>Relief:</b>
Height (ft.) § 400.1	40 ft. max.	29' 1" ft.	29' 1"ft.	None required.
Lot Width (ft.) § 401.3	30 ft. min.	23 ft.	23 ft.	Grandfathered
Lot Area (sq.ft.) § 401.3	3000 sq.ft. min.	2966 sq.ft.	2966 sq.ft.	Grandfathered
Floor Area Ratio § 402.4	None prescribed	n/a	n/a	None required
Lot Occupancy § 403.2	40% max.	50.78%. 1506.2 SF	49.65%. 1472.75 SF	<i>Requested</i>
Rear Yard (ft.) § 404.1	20ft. min.	48' 4"	43' 4"	None required.
Side Yard (ft.) § 405.9	8 ft. min.	2' 8"	1' 8"ft.	<i>Requested (6' 4")</i>
Open Court § 406.1	10 ft. min. width	n/a.	8 ft. @ NW corner, 2 <sup>nd</sup> fl.  25 ft adjacent to side yard.	<i>Required but not Requested (2 ft)</i>  None required.
Addition to Non-Conforming Structure Devoted to Conforming Use §2001.3	See above for lot width & lot area	See above	See above	<i>See above.</i>

**V. 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. The Applicant is requesting special exception relief under § 223 from the requirements of §§403.2 and 405.9, and, while not requested, is also in need of relief from § 406.1 for a new open court.

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

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<sup>1</sup> Information provided by applicant.

There would be no undue affect or compromise. The two story plus basement addition would replace an existing deck at the 1<sup>st</sup> story. There would be no windows on the north, and the north-adjacent neighbor has filed a letter supporting the application. The proposed addition faces deep back yards and garages of neighbors to the south, across an alley.

- (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 addition would be visible from the alley and would present a contextually appropriate appearance. The proposed fenestration is compatible with the rhythm of the existing windows, and the design continues the use of a stone and brick base that is typical of 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.*

These have been provided.

- 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...*

The proposal would conform. Since the original filing, the applicant has decreased the width of the proposed first floor balcony from 16' 1" to 10', to reduce the proposed lot occupancy from 50.24% to 49.65%.

- 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.*

There is no need for additional treatment.

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

The structure would remain a conforming single family use.

## **VI. COMMUNITY COMMENTS**

ANC 3C voted on September 20, 2010 to support the application. The north-adjacent neighbor has filed a letter of support.

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

No comments have been filed.

JS/Stephen Cochran, project manager