



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: November 17, 2009

SUBJECT: BZA Case 17956 - request for special exception relief under §223 to construct a two-story addition along the north side (rear) of an existing one-family detached dwelling at 4355 Fessenden St. NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the **special exception** requested pursuant to §223, to permit an addition resulting in a lot occupancy of 49.6% on a lot of 2,000 sq ft.

II. LOCATION AND SITE DESCRIPTION:

Address:	4355 Fessenden St. NW
Legal Description:	Square 1655, Lot 22
Ward, ANC:	3; 3E
Zoning:	R-2
Existing Development:	The existing non-conforming lot at the corner of 44 th St. NW and Fessenden St. NW is developed with a two-story one-family detached dwelling.
Historic District:	N/A
Adjacent Properties:	Surrounding properties are developed with detached dwellings.
Surrounding Neighborhood Character:	The neighborhood is characterized by detached dwellings.

II. PROJECT DESCRIPTION IN BRIEF

Applicant	Hamid Reza Ossareh
Proposal:	The applicant proposes to construct a two-story addition to the north side of an existing detached dwelling. The existing driveway and garage would be eliminated and a conforming new driveway and parking pad installed in the rear of the lot with access from 44 th St. NW. A portion of the removed driveway and garage would be constructed upon, and the other portion replanted. The proposed construction would increase the lot occupancy from 1,109 sq ft. (39.6%) to 1,390 sq ft. (49.6%).

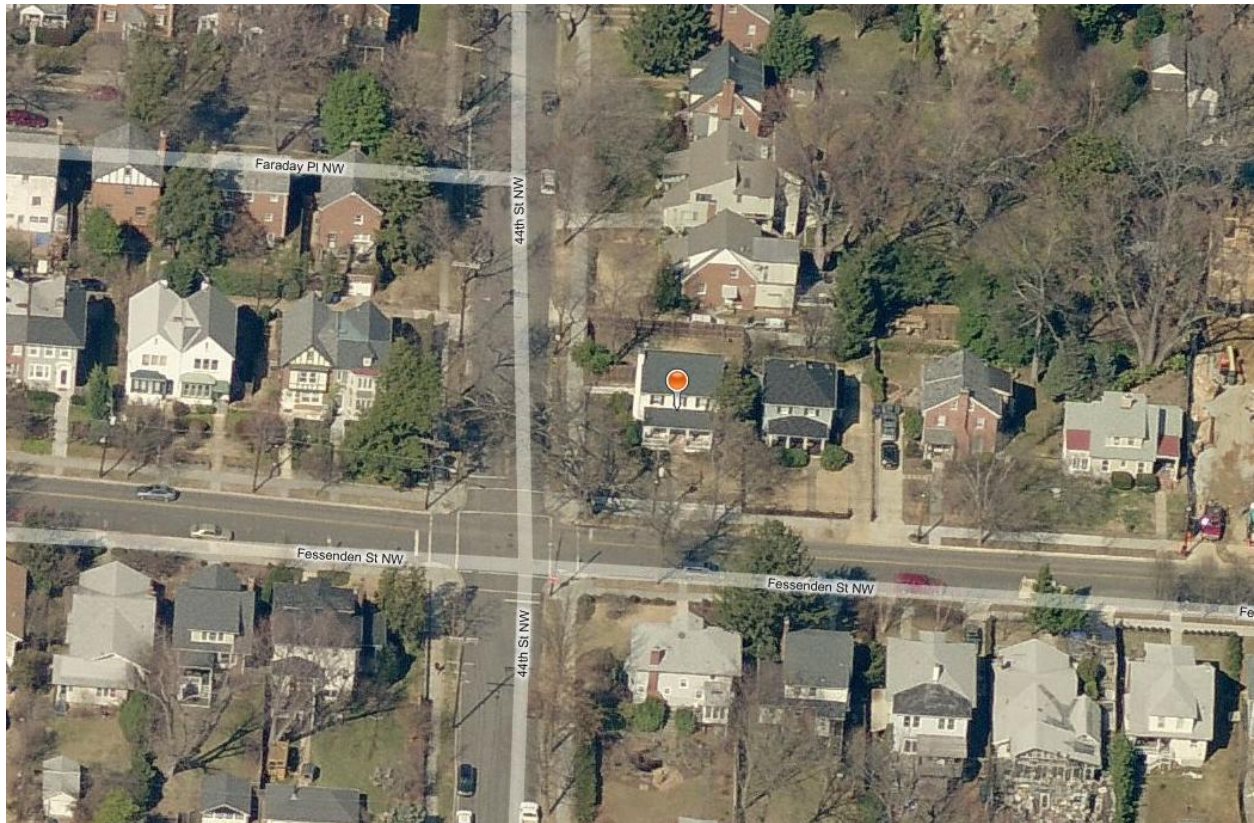


Figure 1: Subject property and surrounding neighborhood

III. ZONING REQUIREMENTS

R-2 Zone	Regulation	Existing	Proposed¹	Relief Required?
Height (ft.) §400	40 max.	24	No change	No
Lot Width (ft.) §401	40	40	No change	No
Lot Area (sq.ft.) §401	4,000	2,800	No change	Yes (1,200 sq ft.)
Lot Occupancy §403	40% max. (50% with §223)	39.6%	49.6%	Yes
Rear Yard (ft.) §404	20 min.	37	20	No
Side Yard (ft.) §405	8 min.	9.4	Addition – 10.4	No
Open Court (ft.) §406	4 inches/height ft., min. 6 ft.	N/A	N/A	No
Closed Court (ft.) § 406	4 inches/height ft., min. 5 ft.	N/A	N/A	No
Parking § 2101	1 space/dwelling min.	1 space in garage (to be removed)	1 space in driveway (to be constructed)	No

The 467 sq ft. building addition would:

- Result in a non-conforming lot occupancy increase from 1,109 sq ft. (39.6%) to 1,390 sq ft. (49.6%), which is more than the maximum permitted (40%) but less than the maximum allowed in the R-2 district under §223 (50%). The addition would replace a 186 sq ft. portion of an existing attached garage.

IV. OP ANALYSIS:

Consistency with § 223

§ 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. A one-family detached dwelling is a permitted use in this zone district. The applicant is requesting special exception relief under §223 from the requirements of §401 lot area and §403 lot occupancy.

§ 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

¹ based on the submitted plans and DC Surveyors plat

property; in particular:

- (a) *The light and air available to neighboring properties shall not be unduly affected.* The subject property is a corner lot on the northeastern intersection of Fessenden St. NW and 44th St. NW; therefore, properties to the west and south should not be significantly affected by the building addition to the northern side. The building addition would provide the required side and rear yard setback, so is sufficiently set back from the neighboring eastern detached dwelling such that it should not impact the air and light available to this structure. The applicant has submitted a shadow study to demonstrate that the addition would not cast significant additional shadows on neighboring properties.
- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.* Two new windows are proposed to face the eastern property line. On the upper floor, the window will be for a bathroom, so the applicant is encouraged to make it frosted glass or other semi-transparent glass. The applicant is encouraged to confirm that their proposed window placement is such that they would not be directly opposite windows on the adjacent house. There is an existing fence and an adjacent tree between the proposed addition and the eastern property line. These considerations would decrease the degree of visibility to neighboring properties and the likelihood they would be impacted by the addition. Thus, the privacy of use and enjoyment of neighboring properties should not be 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 subject property is a corner lot; therefore, the addition would be visible from 44th St. NW. However, the addition is proposed to be 24 ft. in height with a sloped roof, which matches the existing detached house. Further, the applicant is proposing stucco construction for the addition, which is in keeping with the existing detached house. Based on this information, the proposed addition would not visually intrude on the character of any public way.
- (d) *In demonstrating compliance with (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 view from public ways.* Sufficient documentation for this application was provided.

§ 223.3 *The lot occupancy of the dwelling or flat, together with the addition, shall not*

exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, R-5 Districts: The existing lot occupancy on site is 39.6%. The proposed lot occupancy on site would increase to 49.6%, which is below the 50% maximum lot occupancy permitted by special exception in the R-2 District.

§ 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:* Other than the window treatment noted earlier, OP does not recommend any additional special treatments with regard to the proposed addition. The ANC has also noted that portions of the existing fence along the western property line are in poor condition and should be replaced.

§ 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception:* A one-family detached dwelling is a permitted use in the R-2 district. The addition would not alter the conforming use.

V. COMMUNITY COMMENTS

This proposal was forwarded to Advisory Neighborhood Commission (ANC) 3E for review and comment. ANC 3E's recommendation has been added to the record file. OP has not heard directly from other neighbors.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OP has received comments from no other District agency. OP notes that DDOT Public Space approval for the proposed curb cut and driveway relocation will be required, but the proposed location is further from the intersection and does not appear to be wider than the current one.

JS/sv