



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: September 27, 2011

SUBJECT: BZA Case 18276 – Expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing semi-detached dwelling at 5133 Sherier Place, NW

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 401 Lot Area (5,000 sf required, 3,125 sf existing);
- § 401 Lot Width (50 feet min., 25 feet existing);
- § 405 Side Yard (8 feet min., 0 feet existing and proposed);
- § 406 Court Width (7'10" min., 3'1" proposed).

II. LOCATION AND SITE DESCRIPTION

Address	5133 Sherier Place, NW
Legal Description	Square 1418, Lot 11
Ward, ANC	3, 3D05
Lot Characteristics	Existing semi-detached house on 25 foot wide lot; lot slopes up slightly from the street to the rear yard;
Zoning	R-1-B – detached single family dwellings
Existing Development	Semi-detached dwelling, not permitted in this zone
Adjacent Properties	Predominantly single family detached; commercial uses to the rear fronting on MacArthur Boulevard

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Alexandra Nowakowski, homeowner
Proposal	Two story addition to the rear of the existing dwelling
Relief Sought	§223 - Addition to a One-Family Dwellings or Flats



IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 400	40 ft. max. 3 stories max	27.5 ft. 2 stories	No change	Conforming
Lot Area (sq.ft.) § 401	5,000 sf min.	3125 sf	No change	Required
Lot Width (ft.) § 401	50 ft. min.	25 ft.	No change	Required
Lot Occupancy § 403	40% max.	19.8%	33.3%	Conforming
Rear Yard (ft.) § 404	25 ft. min.	57 ft.	33.5 ft.	Conforming
Side Yard (ft.) § 405	8 ft. min.	0 ft. – northwest 10.8 ft. – southeast	0 ft. – northwest 8.0 ft. – southeast	Required
Court Width § 406	4 inches per foot of height = 7'10" min.	0 ft.	3'1"	Required

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.*

A new semi-detached dwelling is not permitted in the R-1-B zone. However, OAG has previously determined that an addition to a semi-detached structure should be considered an addition to a nonconforming structure, and should not be construed as an expansion of a nonconforming use, as “residential” is permitted in this zone. OAG further determined that § 223 is the appropriate mechanism by which to evaluate the present application for an addition to a single family dwelling.

The application requests special exception relief under § 223 from the requirements of § 401, Lot Area and Lot Width and § 405, Side Yard. OP notes that relief under § 223 is also necessary for § 406, Courts, and § 2001.3, Additions to Nonconforming Structures.

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;*

Light and air available to neighboring properties will not be unduly affected. On the southeast side the proposal maintains the required eight foot side yard. The property to the northwest, 5135 Sherier Place, would experience additional shadow, but not more than might be expected in

an urban environment. In addition, the owner of 5135 Sherier Place has submitted a letter to the record in support of the application.

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

The privacy of surrounding properties would not be unduly compromised. Only small windows face the court which abuts the property to the northwest. In addition, there is a six foot fence that separates the two properties. The required side yard will be maintained on the southeast side, and the fence to the southeast helps provide privacy.

- (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 addition would be somewhat visible from Sherier Place, but the scale of the addition is in keeping with the existing structure on the subject property and with the scale of adjacent properties.

- (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 applicant has submitted elevations, floor plans and photographs that illustrate the existing site and the proposed addition.

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.

With the proposed addition the lot occupancy would be 33.3%.

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.

The Office of Planning recommends no conditions or special treatments of the addition.

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

The applicant does not propose to introduce a nonconforming use.

VI. COMMUNITY COMMENTS

The application includes letters from adjacent neighbors voicing their support for the application. As of this writing OP has not received any other comments from the community or the ANC.