

**MEMORANDUM**

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TO: District Board of Zoning Adjustment
FROM: Paul Goldstein, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: January 10, 2012

SUBJECT: BZA Case No. 18294 - Request for a special exception under § 223 to construct a two-story rear addition to an existing two-story semi-detached dwelling at 3011 Ordway Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of § 223 special exception relief to permit a two-story plus cellar rear addition to an existing two-story semi-detached dwelling at 3011 Ordway Street that does not comply with:

- § 403, maximum lot occupancy (excessive by about 99 square feet)

OP also notes that the Property presently is nonconforming to the minimum side yard, meaning that the proposal would result in the enlargement of a non-conforming structure (§ 2001.3). It appears, however, that the addition would provide a side yard consistent with § 405.8 which addresses pre-1958 buildings.¹ The existing lot width also is slightly non-conforming, with a width of about 26.5' where 30' minimum (§ 401) is required. In addition, although the application referenced rear yard relief, it appears that the rear yard conforms to the 20' rear yard requirement and that no relief is necessary.²

On December 9, 2011, the Applicant filed a supplemental submission which made minor changes to the original proposal and provided copies of letters from neighbors. The changes did not alter the relief requested.

II. AREA AND SITE DESCRIPTION:

Address:	3011 Ordway Street NW	BOARD OF ZONING ADJUSTMENT District of Columbia
Legal Description:	Square 2067, Lot 76 (the "Property")	CASE NO. <u>18294</u>
Ward/ANC:	3/3C	EXHIBIT NO. <u>28</u>
Lot Characteristics:	The lot is irregular in shape. It measures approximately 29' in width along Ordway Street by about 125' in depth. OP estimates that the Property slopes downward approximately 24' toward the rear property line, with most of the decline concentrated near the back of the Property. A 15' wide public alley abuts the Property to the north.	
Zoning:	R-2: semi-detached dwellings	
Existing Development:	There is a two-story semi-detached dwelling with a cellar.	
Historic District:	Cleveland Park Historic District	

¹ Section 405.8 provides that "In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.)."

² The Applicant calculated the rear yard by averaging the depth from the rear building line (extended) to the angled rear property line.

Adjacent Properties:	To the east is an adjoining two-story semi-detached dwelling. To the west is a two-story semi-detached dwelling separated by a side yard. To the north, across a public alley, are the rear yards of semi-detached dwellings fronting 30 th Street NW. To the south (across Ordway Street) are single family detached and semi-detached dwellings zoned R-1-B.
Surrounding Neighborhood Character:	The Square is composed of a range of residential uses, including detached and semi-detached residential uses as well as garden apartments fronting Porter Street NW to the north. More generally, the neighborhood is mostly characterized by residential uses, with commercial uses concentrated along Connecticut Avenue NW approximately 1.5 blocks to the east of the Property.

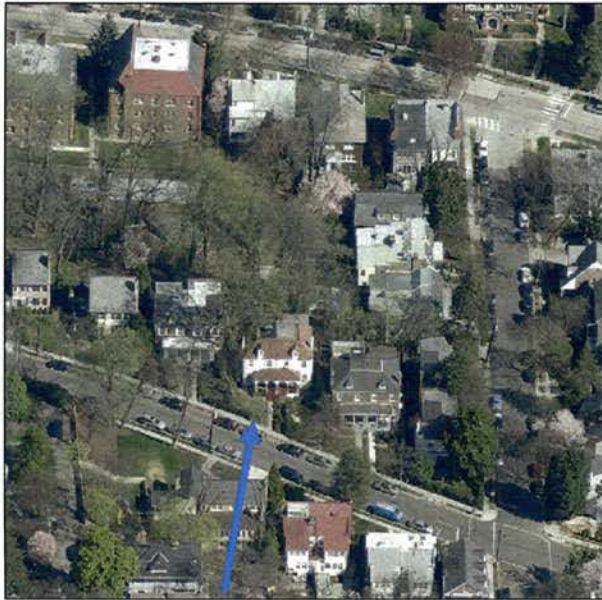
III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Emily & Paul Thornell
Proposal:	The Applicant proposes to construct a two-story plus cellar rear addition to an existing two-story semi-detached dwelling. The proposal would demolish a portion of the existing dwelling and an elevated rear deck. A new two-story plus cellar addition would span approximately 18' in width by 31' in depth. In addition, a narrow two level elevated porch (with roof deck) would extend an additional 14' in depth along the east property line. The proposal would increase the lot occupancy to approximately 43%. The height of the addition, measured from the dwelling's front finished grade to the addition's ceiling, would be 21.5'. The addition's roof (which would measure 24.25' in height to the top of its parapet) would be below the peak of the pitched roof of the existing dwelling, which measures 29.75' in height. It does not appear that the dwelling has any dedicated off-street parking, and no additional parking is being proposed.
Relief Sought:	§ 223 - addition to a single family dwelling.

IV. IMAGES AND MAPS



Aerial view of the site (subject Property highlighted)



View looking north across Ordway Street
(subject property identified)



View looking south toward Ordway Street
(back of subject property identified)

V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

R-2 Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 400	40' max.	19'	21.5'	Conforms
Lot width (ft.) § 401	30' min.	~ 26.5'	~ 26.5'	Non-conforming, but it is an existing condition.
Lot area (sq. ft.) § 401	3,000 sq. ft. min.	3,320 sq. ft.	3,320 sq. ft.	Conforms ³
Lot occupancy (building area/lot) § 403	40% max. 50% by special exception	36.8%	43.5%	Requires relief: exceeds matter of right lot occupancy by approximately 99 square feet but conforms to the special exception standard.
Rear yard (ft.) § 404	20' min.	39'	20.2'	Conforms.
Side yard (ft.) § 405	8' min.	6.2'	6.2' in width would be retained along existing dwelling; ~ 7' min. width proposed for the addition	The existing side yard is non-conforming, but the proposed side yard extension conforms pursuant to § 405.8 (pre-1958 dwellings).

VI. OFFICE OF PLANNING ANALYSIS

Special Exception: § 223

³ According to OP data sources, the recorded lot size is 3,320 square feet. The Applicant has calculated the lot area to be 3,322.5 square feet. OP does not anticipate that the 2.5 square foot difference has a meaningful impact on the relief requested.

§ 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.

The Applicant is requesting special exception relief under § 223 for a two-story rear addition behind an existing two-story single family semi-detached dwelling which does not comply with the requirements of lot occupancy (§ 403), lot width (§ 401), and enlargement of an existing non-conforming structure (§ 2001.3).

§ 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.

Although the addition would likely at times cast some additional shadow, the light and air available to neighboring properties should not be unduly affected by the proposal. The two-story addition would be below the height of the dwelling's existing roof pitch, and the addition would have an approximately 7' wide side yard to the west and a conforming rear yard. The Applicant also has indicated that plans have been shared with the neighbors. More specifically, OP has reviewed a letter from the adjoining neighbor to the east (3009 Ordway Street) which supports the application. The Applicant indicates that the neighbor to the west (3013 Ordway Street) has not raised any objections to the proposal.

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

The addition should not cause an undue impact to the privacy of use and enjoyment of neighboring properties. It would have no windows along the shared property lines to the east (although there would be a two-story porch/roof deck along the eastern property line), and the adjoining neighbor is supportive of the project. The windows facing west would be separated from the neighboring property by an approximately 7' wide side yard. The addition also should not have an undue impact on the privacy of neighbors to the north who would be separated from the addition by at least the Property's rear yard and a 15' wide 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.

There would be limited views of the addition from Ordway Street, and some views of the addition from the rear public alley. The two-story rear addition should not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.

(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.

The Applicant has provided photos, elevation drawings, and a site plan showing the relationship of the addition to adjacent buildings and views from public ways.

VII. COMMUNITY COMMENTS/ANC

The Applicant has submitted eight letters of support from neighbors, including a letter from the adjoining neighbor to the east (3009 Ordway Street). The Applicant has indicated that the neighbor to the west of the

Property (3013 Ordway Street) has been consulted about the project and has not objected. A letter in opposition also was submitted by a non-adjoining neighbor to the north (3516 30th Street NW).

ANC 3C submitted a letter, dated October 17, 2011, which expresses “no objection” to the project.

VIII. HISTORIC PRESERVATION

At an October 27, 2011 hearing, the Historic Preservation Review Board (HPRB) approved the project concept and delegated final approval to staff. OP also understands that the Applicant has consulted with an easement holder (the L’Enfant Trust) on the Property about the building plans.