

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: November 1, 2011

SUBJECT: BZA Case 18301 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing single-family dwelling at 4602 Fessenden Street, NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 404.1 required rear yard (25 feet required, 8.6 feet proposed)

II. LOCATION AND SITE DESCRIPTION:

Address	4602 Fessenden Street, NW
Legal Description	Square 1544, Lot 0076
Ward	3
Lot Characteristics	Rectangular lot abutting a 15-foot wide alley to the west and two streets at its north and east property lines.
Zoning	R-1-B – detached single family dwellings.
Existing Development	Detached single-family dwelling, permitted in this zone.
Adjacent Properties	Predominantly single family detached dwellings on large lots.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	David Maloney
Proposal	The applicant is proposing a modest renovation to an existing non-conforming structure, including a small expansion on the first floor level and a garden/storage shed proposed to be attached to the rear of the house. The latter would extend into the existing non-conforming 14-foot wide rear yard by approximately 6 feet, thereby reducing the rear yard to 8 feet.
Relief Sought	§223 - Additions to a One-Family Dwellings or Flats

BOARD OF ZONING ADJUSTMENT
 District of Columbia

CASE NO. 18301
 EXHIBIT NO. 22

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IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	30 ft. max.	20.1 ft.	20.1 ft.	None required
Lot Width (ft.) § 401	50 ft. min.	40 ft.	40 ft.	Existing non-conformity
Lot Area (sq.ft.) § 401	5,000 sq.ft. min.	4,000 sq.ft.	4,000 sq.ft.	Existing non-conformity
Floor Area Ratio § 401	None prescribed	-	-	None required
Lot Occupancy § 403	40 % max.	26.3 %.	31.3%	None required
Rear Yard (ft.) § 404.1	25 ft. min.	14.9 ft.	8.6 ft.	16.4 ft.
Side Yard (ft.) § 405	8 ft. min.	3 ft.	3 ft.	Existing non-conformity

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.

Single-family dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §404.1 - rear yard.

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;



Zoning Map – Subject Property

As can be seen from the map above, the subject property is a corner lot and the home is located such that it is closest to the abutting 15-foot wide alley to its west and it fronts on Fessenden Street. The

¹ Information provided by applicant.

widest portion of the subject lot's side yard to the east abuts the residence to the rear and south of the lot and this residence fronts on 46th Street.

The proposed 77 square-foot storage shed within the rear yard of the subject property should not unduly affect the light and air to the residence to the south, as there is no habitable structure within that portion of the neighbor's rear yard.

The proposed shed would also not be taller than the neighbor's existing privacy fence across the alley therefore it would not be immediately visible from the neighbor's rear yard which runs parallel to the alley.

The proposed two-story addition to the east of the subject residence would not be visible to the homeowner across the alley on the west side. Based on submitted plans, OP estimated that a side yard approximately 2,300 square foot in area (58 ft. x 40 ft.) faces the 46th Street residence's side yard and this residence has a clear view over the subject property's yard. Therefore, it is not anticipated that the light and air to the neighbor's residence at 46th Street would be unduly impacted.

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

As can be seen in the applicant's photos, the property is well landscaped between the subject property and the 46th Street abutting residence. Proposed windows on the two-story addition would not align with any windows of this residence or with any portion of the residential structure. Therefore, the proposed 4-foot increase in width of the existing overhang of the residence should not intrude upon the privacy of use and enjoyment of this neighbor's residence. As previously mentioned, this addition on the east side would not have any undue impact on the residence across the alley on the opposite side (to the west), including to its privacy of use and enjoyment.

OP does not anticipate any undue impact to privacy of use and enjoyment to neighboring properties due to the proposed storage shed, as it is a customary accessory structure within residential rear yards.

(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

Neither addition to the structure would appear out of character or scale with the pattern of houses along the subject street frontages. The property's landscaping and the home's location on the lot would render the proposed addition barely perceptible from the street frontage along both Fessenden and 46th Street. The storage shed is a permitted accessory structure within a rear yard in a residential district and only the top of the shed would be visible as viewed from the alley.

(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 provided sufficient graphical representations, including plans and photo exhibits in support of its application for review.

- 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 existing lot occupancy at 26.3% and the proposed lot occupancy at 31.3% would remain within the permitted maximum lot occupancy of 40% for single-family residential structures in the R-1-B District, and well below the 50% maximum permitted by special exception review pursuant to § 223.

- 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 does not suggest any other special treatment for this modest addition.

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

The addition to a residential use is permitted in the R-1-B District.

VI. COMMUNITY COMMENTS

ANC 3E voted unanimously to approve the addition at its regularly held meeting on October 5, 2011. Letters from adjoining neighbors in support of the addition have also been submitted to the record.