



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager

Joel Lawson, Associate Director Development Review

DATE: March 6, 2012

SUBJECT: BZA Case 18339 - Expedited request pursuant to 11 DCMR § 3118 for special exception relief under § 223 to construct an addition to an existing single-family dwelling at 5826 Nevada Ave., NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of special exception relief to allow the proposed addition to the subject residence under § 223, not meeting the side yard requirement under § 405.9 for the R-1-B District (8 feet required, 4.5 feet (northwest)/4.86 feet (southeast) existing).

II. LOCATION AND SITE DESCRIPTION

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

Address	5826 Nevada Ave., NW	CASE NO. <u>18339</u>
Legal Description	Square 1999, Lot 0082	EXHIBIT NO. <u>23</u>
Ward/ANC	3/ ANC3G05	
Lot Characteristics	Irregular-shaped lot abutting a 15-foot wide alley which runs in a northwest/south-east direction, with a majority of the lot's frontage on Nevada Avenue, which also runs parallel to the alley. A small portion of the lot to the north also fronts on Patterson Street, NW in an east/west direction.	
Zoning	R-1-B – detached single family dwellings.	
Existing Development	2-story detached single-family dwelling, permitted in this zone.	
Adjacent Properties	Predominantly single-family detached dwellings on large lots to the northwest and southeast of the subject property.	

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Joseph Jones
Proposal	The applicant is proposing a renovation to an existing residential structure on a non-conforming lot, due to its existing side yard and lot width. The renovation would include in part, the removal of an existing addition at the rear and replacement with a slightly larger addition. A one-story screened porch would also be attached to the west of that addition. The additions would not reduce the existing measurement of the side yards.
Relief Sought	§223 - Additions to a One-Family Dwellings or Flats.



IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief
Lot Area (sq.ft.) § 401.3	5,000 sf. min.	5,758 sf.	No change	Conforming
Lot Width (ft.) § 401.3	50 ft. min.	30ft.	No change	Existing nonconformity
Height (ft.) § 400.1	40 ft. max.	29.5 ft.	No change	Conforming
Lot Occupancy § 403.2	40 % max.	23 %	29%	None required
Rear Yard (ft.) § 404.1	25 ft. min.	86.1 ft.	78 ft.	None required
Side Yard (ft.) § 405.9	8 ft. min.	4.5 ft (w)/4.9 ft (e)	No change	Existing nonconformity



Zoning Map – Subject Property

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 § 405.9 - side yard.

223.2 The addition or accessory structure shall not have a substantially adverse effect 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;

The proposed rear addition would be no more than eight feet longer than the existing rear addition and it would align with the existing structure on the east side. It is not anticipated to have an undue effect to the light and air of neighboring properties, including the property to the southeast, as the existing side yard would be maintained. The proposed screened porch would be no taller than the first level of home and would be set back an additional four feet from the existing side yard where it would join the rear wall of the home. Therefore, since the existing side yards would be maintained, there should be negligible effect on the abutting residences.

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

As can be seen in the applicant's photos, a privacy fence runs along the southeast property line which would continue to afford privacy between the subject residence and the neighbor at Lot 83 and the window which is proposed on the southeast elevation would not align with neighbor's existing windows. The property to the northwest has an existing open deck at the rear which currently has direct views into the subject property. The applicant has indicated that due to the nature of the lot's shape, both properties currently share rear yards. The proposed screened porch would allow privacy of use and enjoyment of the rear yards of both the subject property and the residence to the west. Therefore, the privacy of the neighbors would not be unduly compromised or eroded from what currently exists today.

- (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 neither be visible to the street frontage along Nevada Avenue or Patterson Street, nor would it appear out of character or scale with the pattern of houses as viewed from the alley at the rear.

- (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 23% and the proposed lot occupancy at 29% would remain within the permitted maximum lot occupancy of 40% and well below the 50% maximum permitted by special exception review pursuant to § 223 for single-family residential structures in the R-1-B 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.*

OP does not suggest any other special treatment for this 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 3G voted unanimously to approve the addition at its regularly held meeting on January 23, 2012. The ANC's report has been submitted to the Board under separate cover.

VII. CONCLUSION

OP recommends approval of the application as presented, since access to light and air and the maintenance of privacy of adjacent residences would not be adversely affected by the proposed rear additions.