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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: ✓ Elisa Vitale, Case Manager
Joel Lawson, Associate Director Development Review
DATE: October 24, 2012

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18467
EXHIBIT NO. 30

SUBJECT: BZA Case 18467 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing single-family dwelling at 3843 Livingston Street NW

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 405, side yard (8 feet required, 5 feet proposed); and
- § 2001.3, nonconforming structures.

II. LOCATION AND SITE DESCRIPTION

Address	3843 Livingston Street NW
Legal Description	Square 1859, Lot 71
Ward	3G
Lot Characteristics	The property is rectangular in shape. The eastern property line abuts a 15-foot improved alley.
Zoning	R-2 – detached and semi detached single family dwellings.
Existing Development	Single-family detached dwelling, permitted in this zone.
Historic District	Not applicable
Adjacent Properties	Predominantly single-family detached dwellings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Elizabeth Hilder and William R. Smith
Proposal	The applicants are proposing to construct an approximately 17-foot by 19-foot addition with a smaller (17-foot by 14-foot) second story addition.
Relief Sought	§223 - Additions to One-Family Dwellings or Flats



IV. ZONING REQUIREMENTS

R-2 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	28.6 ft.	No change	None required
Lot Width (ft.) § 401	40 ft. min.	60 ft.	No change	None required
Lot Area (sq.ft.) § 401	4,000 sq. ft. min.	5,700 sq. ft.	No change	None required
Floor Area Ratio § 401	None prescribed			None required
Lot Occupancy § 403	40 % max.	24 %	29 %	None required
Rear Yard (ft.) § 404	20 ft. min.	18 ft.	No change	None required
Side Yard (ft.) § 405	8 ft. min.	4 ft.	5 ft.	3 ft.
Court § 406	6.3 by 6.3 ft. min.	17.6 by 34 ft.	17.6 by 14.5 ft.	None 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.

Single-family detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 405, side yards and § 2001.3, existing 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;

The proposed addition would not exceed the height of the existing house. Furthermore, the proposed addition would be set back 5 feet on the second level, which should minimize the impact on light and air available to neighboring properties.

The proposed addition would not be visible from the abutting properties to the north and west, 5501 and 5509 39th Street NW, respectively. While the proposed addition would be visible to the adjoining properties across Livingston Street and the 15-foot public alley to the east, the width of the roads and existing setbacks should provide adequate separation to prevent unduly affecting the light and air of the neighboring properties.

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

The existing house is setback four feet from the eastern property line and the proposed addition would be set back five feet from the property line. The 15-foot wide alley and the four-foot setback at 3839 Livingston Street NW provide additional separation. The proposed addition should not

¹ Information provided by applicant.

unduly compromise the use and enjoyment of neighboring properties as the proposed addition would remain 24 feet from the closest property at 3839 Livingston Street NW.

- (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 proposed addition respects the height and setbacks of the existing house. The height of the proposed addition would not exceed the height of the existing house. The proposed addition would not project beyond the existing house in the front (south) or side (east) yards. The setback along the eastern property line, which abuts the public alley, is consistent with other properties in the block that abut the alley.

The materials proposed for the addition are in keeping with the existing house and include cedar shingles. The window style would mimic the existing windows in the house. The front and side yards of the subject property are heavily landscaped and the plant material should screen the addition from the street and 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 submission provided sufficient information about this proposal.

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 proposed lot occupancy of 29 % is less than the maximum 40 % permitted within 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.*

No special treatment is recommended.

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

No nonconforming use would be established under this proposal.

VI. COMMUNITY COMMENTS

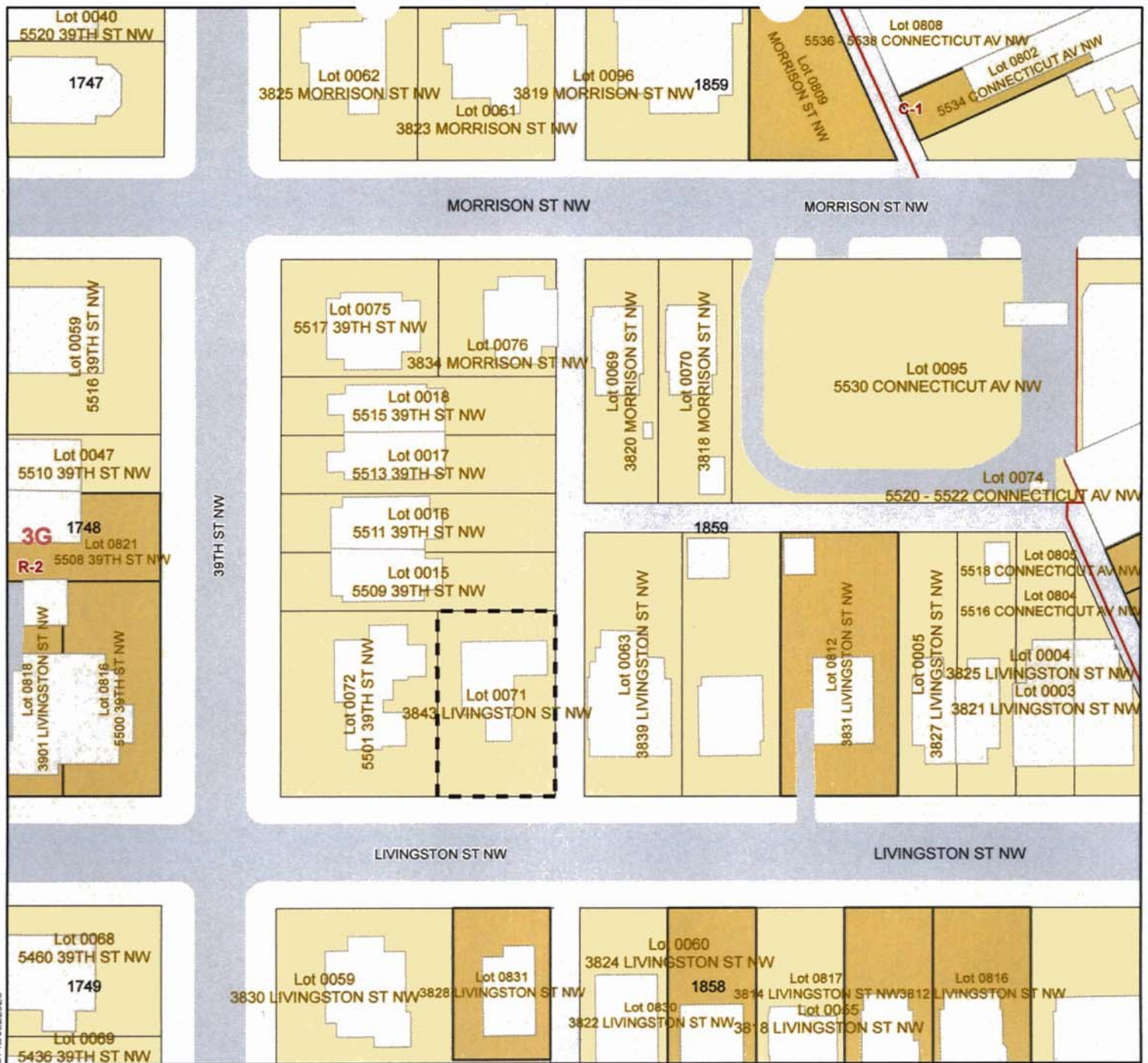
Information has not been received from neighbors or the ANC at this time.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

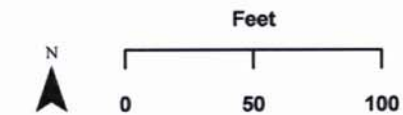
The District Department of Transportation has indicated in its September 27, 2012 memorandum to the Board of Zoning Adjustment no objection to the special exception relief requested by the Applicant.

Attachments:

1. Location map



OPID0022523



Government of the District of Columbia
Office of Planning ~ October 3, 2012

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Development Review

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-  Street Centerlines
-  Buildings
-  Zoning Districts
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