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**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen Cochran, Case Manager

Joel Lawson, Associate Director Development Review

**DATE:** October 1, 2013

**SUBJECT:** BZA Case 18647 - Expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing one-family row dwelling at 3301 N Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223 to enable the construction of a first floor additions to a semi-detached house in the R-3 zone:

- § 403.2 – Lot Occupancy (40% permitted; 48% proposed);
- § 2001.3 for an addition to a nonconforming structure,

which the applicant added as a relief request in the supplemental submission of September 24, 2013.

BOARD OF ZONING ADJUSTMENT  
District of Columbia

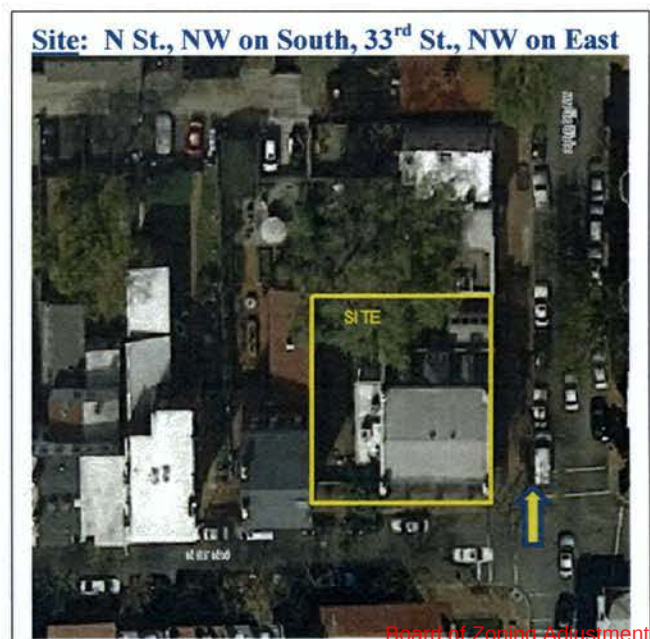
CASE NO. 18647

EXHIBIT NO. 23

**II. BACKGROUND**

**Project:** The proposed project would result in additions on the north side of the building, facing the rear yard. For the westernmost portion ("mudroom" on applicant's Sheet SK-2 dated 9-24-13) the Applicant is asking for special exception relief from § 403.2's lot occupancy requirements under § 223, and from § 2001.3. The 6 foot 1 inch by 9 foot 3 inch one story addition would increase lot occupancy from 46% to 48%. For the easternmost portion ("infill" on applicant's Sheet SK-2 dated 9-24-13), the applicant seeking relief only from § 2001.3. The proposed 2 foot 2 ¼ inch by 15 foot 7 ½ inch construction would be entirely under an existing second story projection that is already counted in the existing building's lot occupancy.

|                                |                                                                       |                                                                                                                                                      |                                                                |                       |
|--------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------|
| <b>Address:</b> 3301 N St., NW |                                                                       | <b>Legal Description</b><br>Sq. 1229, Lot 140                                                                                                        | <b>Ward:2</b><br>ANC:2E                                        | <b>Zoning:</b><br>R-3 |
| <b>Owner:</b><br>Otto Hoernig  | <b>Authorized Agent:</b><br>Stephen Vance,<br>Barnes/Vance Architects |                                                                                                                                                      | <b>Historic Status:</b><br>Old Georgetown<br>Historic District |                       |
| <b>Lot Characteristics</b>     |                                                                       | Rectangular flat lot on NW corner of 33 <sup>rd</sup> and N Streets, NW, without alley access and with a curb cut on N Street.                       |                                                                |                       |
| <b>Existing Development:</b>   |                                                                       | Freestanding, 3-story, semi-detached, pre-1958 brick row dwelling. House is considered semi-detached because it is built to the N St. property line. |                                                                |                       |
| <b>Adjacent Properties:</b>    |                                                                       | Row houses on 33 <sup>rd</sup> St. and on N St., NW.                                                                                                 |                                                                |                       |
| <b>Neighborhood Character:</b> |                                                                       | Blocks of similar historic row/semi-detached/detached houses.                                                                                        |                                                                |                       |
| <b>Project:</b>                |                                                                       | See above.                                                                                                                                           |                                                                |                       |



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### III. ZONING REQUIREMENTS

| R-5-B Zone                                                     | Regulation                                                                                                                                                                                                                                                                                                                                                                       | Existing                                                                                                 | Proposed*                                   | Relief                                                    |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------------------------|
| Height (ft ) § 400                                             | 40 ft max , 3 stories                                                                                                                                                                                                                                                                                                                                                            | 33 38 in                                                                                                 | Same                                        | None required                                             |
| Lot Width (ft.) § 401                                          | 40 ft                                                                                                                                                                                                                                                                                                                                                                            | 70 ft                                                                                                    | Same                                        | None required                                             |
| Lot Area (sq ft ) § 401                                        | 4,000 sf                                                                                                                                                                                                                                                                                                                                                                         | 6,691 sf                                                                                                 | Same                                        | None required                                             |
| <b>Lot Occupancy § 403.2</b>                                   | <b>40 % max. for semi-detached by right; 70% max. under §223</b>                                                                                                                                                                                                                                                                                                                 | <b>46%</b>                                                                                               | <b>48%</b>                                  | <b>Relief Required</b>                                    |
| Rear Yard (ft ) § 404                                          | 20 ft min.                                                                                                                                                                                                                                                                                                                                                                       | 28 ft 7 in                                                                                               | Same                                        | None required                                             |
| Side Yard (ft )§ 405 9                                         | If provided, 8 feet min                                                                                                                                                                                                                                                                                                                                                          | None provided, although applicant considers one open court to be a side yard (See below)                 | Same                                        | None required                                             |
| Open Courts ft § 406 1                                         | 6 ft minimum (4in /ft )                                                                                                                                                                                                                                                                                                                                                          | 7 ft. 7 in x 24 ft 3 in                                                                                  | Same                                        | Existing nonconforming                                    |
|                                                                | 6 ft minimum (4in /ft )                                                                                                                                                                                                                                                                                                                                                          | 2 inches by 9 feet along 9 ft of 95 60 ft property line (Applicant refers to this court as a side yard ) | Same                                        | Existing nonconforming                                    |
| Enlargements or additions to nonconforming structures § 2001.3 | a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001 13, and<br>b) The addition or enlargement itself shall<br>(1) Conform to use and structure requirements, and<br>(2) Neither increase or extend any existing, nonconforming aspect of the structure, nor create any new nonconformity of structure and addition combined | 46 %<br><br>Residential<br><br>Lot Occupancy                                                             | 48%<br><br>Residential<br><br>Lot occupancy | Relief Required<br><br>None required<br><br>None required |

\*Information provided by applicant

### IV. OP ANALYSIS

*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*

Semi-detached dwellings are a permitted use in this zone The applicant has asked for relief from § 403, complies with §§ 400, 401, 404, and 405, and has existing non-conformities for § 406

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

There would be no substantially adverse affect For the north-adjacent neighbor, the proposed one-story additions are screened by the existing accessory garage, coniferous trees, and an approximately 8 foot tall brick wall There do not appear to be any south-facing windows in the property to the north For the west-adjacent neighbor, there would be no visible impact, as that property is also screened by a brick wall and has no east-facing windows The applicant has submitted forms signed by both adjacent property owners indicating they have no objection to the proposed project

- (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*

There would be no substantial intrusion An approximately 2 ft by 2 foot section of the addition nearest 33<sup>rd</sup> Street would be visible from 33<sup>rd</sup> Street Otherwise, none of the proposed construction would be visible from a street or alley, nor intrude on the character or scale of the neighborhood The project has been approved by the Old Georgetown Board

- (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 application provided drawings, including a site plan and photographs, which, together with the drawings submitted on September 24, 2013, sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways

**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 is 48%, which is less than the maximum of 70 % permitted in the R-3 District with a special exception

**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 recommend any additional treatment for the protection of nearby properties

**223 5** *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception*

The use would remain a conforming single family, free-standing, semi-detached house

## **V. HISTORIC PRESERVATION**

The project has been favorably reviewed by the Old Georgetown Board and the Commission of Fine Arts The project does not require approval by the HPRB beyond the staff level, which it has received

## **VI. COMMUNITY COMMENTS**

As noted, the adjacent neighbors have submitted letters in support of the project

ANC 2E was scheduled to consider the application on September 30, 2013