

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: June 3, 2014

SUBJECT: BZA Case 18775 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing detached dwelling at 2824 Hurst Terrace, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 405.9, side yard (8 feet required, 1.8 feet proposed); and
- § 2001.3, nonconforming structures

While the applicant has not specifically requested relief from § 2001.3 for nonconforming structures, OP believes that this relief is necessary for the proposal, as the existing dwelling is nonconforming in terms of the side yard.

II. LOCATION AND SITE DESCRIPTION:

Address:	2824 Hurst Terrace, N.W.
Legal Description:	Square 1420, Lot 23
Ward:	3, 3D
Lot Characteristics:	The narrow pentagon-shaped lot is 9,537 square feet in area, with 50 feet of frontage along Hurst Terrace, and two rear yard lot lines of 71.91 feet and 24.24 feet, coming together at an acute angle. The property does not have alley access.
Zoning:	R-1-B – detached single family dwellings.
Existing Development:	Detached single family dwelling, permitted in this zone.
Historic District:	N/A
Adjacent Properties:	Adjacent properties are predominantly developed as detached single family dwellings. Key Elementary School is located across the street from the subject property, and MacArthur Boulevard, located a few blocks east, provides neighborhood serving retail uses.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Travis Brown
Proposal:	The request consists of an 11.5 foot by 15.5 foot single story addition to the rear of the dwelling, where an outdoor patio is currently located.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	35 ft. max.	30.2 ft.	30.2 ft.	None required
Lot Width (ft.) § 401	50 ft. min.	50 ft.	50 ft.	None required
Lot Area (sq.ft.) § 401	5,000 sq.ft. min.	9,537 sq.ft.	9,537 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	Not provided	21.7%	None required
Rear Yard (ft.) § 404	25 ft. min.	113 ft.	113 ft.	None required
Side Yard (ft.) § 405	8 ft. min.	1.8 ft.	1.8 ft.	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.

Detached 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. A request for a variance to allow a reduced side yard of 1.8 feet for a previous addition was approved September 9, 1992 (reference BZA case 15693). The present request would continue the 1.8 foot side yard with an expansion of the study. Although a previous variance was approved to allow the first addition, Relief from § 2001.3, nonconforming structures, is required due to the existing reduced side yard.

The proposed first floor addition would complete the southwest corner of the dwelling, enabling the resident to expand a study. According to the site plan submitted, the addition would be 15.5 feet by 11.5 feet and would continue to have a side yard of 1.8 feet.

¹ Information provided by applicant.

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 affect the light and air available to neighboring properties. The single story addition would be screened by the existing fencing and landscaping along the southern property line, ensuring that the neighbors closest to the addition would be minimally impacted. The structure would not be tall enough to project a shadow on the neighboring property that would be greater than the existing dwelling; therefore the light and air available to that neighbor would not be affected. In addition, the applicant has indicated that the neighbors located to the west and southwest of the dwelling would not be within the sight lines of the proposed structure.

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

The privacy of use and enjoyment of neighboring properties would not be unduly compromised. The proposed addition would be screened by an existing property fence and landscaping, affording the neighbors located south of the structure to continue to enjoy privacy. The use of the addition would be a study, which is a quiet use and would not unnecessarily disturb adjacent neighbors. The addition would a significant distance from neighbors located both west and southwest of the property, as a 113 foot rear yard has been provided.

(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 would not visually intrude upon the character, scale and pattern of houses along the street frontage. The single story addition would be screened by the existing two story dwelling, as well as mature landscaping, and would not be visible from Hurst Terrace.

(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 has provided graphical representations, including a site plan, building elevations and photographs to demonstrate 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 lot occupancy of all new and existing structures on the lot would be 21.7%, which does not exceed the 50% permitted 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.

The Office of Planning does not recommend special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features.

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

The proposed use is a single family dwelling, permitted in this District.

VI. COMMUNITY COMMENTS

At its regularly scheduled meeting on May 7, 2014, ANC 3D voted to recommend approval of the requested relief.

The applicant has submitted a letter of no objection from the neighbor that would be most impacted by the addition, located immediately south of the subject property at 2820 Hurst Terrace, N.W.