

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 23, 2014
SUBJECT: BZA Case 18826: 2957 Newark St., NW

I. OFFICE OF PLANNING (OP) RECOMMENDATION

OP recommends the Board **approve** the following relief related to the revised application for 2957 Newark Street, NW in the R-1-B zone.

- A. Special Exception under §§ 202.10 and 3104 to construct an Accessory Dwelling Unit (ADU), including a request to waive one of the permitted two of the section's requirements.
 - o § 202.10 house-type (Single-family detached required; Semi-detached dwelling provided).

OP recommends the Board **approve** the following relief, **provided** the applicant supplies the additional information noted in Table 3 by the hearing.

- B. Special Exception under § 223 from the side yard requirements of § 405.9 (8 feet required; 2 feet provided).
- C. Relief from § 2001.3, consistent with § 3103.2 to permit new construction that creates a new non-conformity (8 foot side yard required; addition would create a 2 foot 5 and 7/8 inch wide side yard at one point along the western property boundary). See Fig. 2.

II. LOCATION AND SITE DESCRIPTION

Address: 2957 Newark Street., NW	Legal Description: Sq. 2070, Lot 39	Ward: 3	ANC: 3C
Historic District: Cleveland Park	Zoning: R-3, single-family detached dwellings, low density		
Lot Characteristics: 6888 sf site on north side of street, sloping downward from west to east and with an irregular western boundary line.			
Existing Development: Three-story house, with above-grade basement entrance and with attached garage built to eastern property line, making house a semi-detached structure dwelling with front and rear basement access			
Proposed Development: Remove existing non-original additions. Construct new, larger addition. Formalize accessory dwelling unit in basement.			
Adjacent Properties: single-family detached dwellings	Neighborhood Character: Low-density residential with moderate density commercial along Connecticut Ave., to east.		

Table 1.

III. BACKGROUND

The Applicant, Lalit K. Gupta, had originally filed for only a special exception under § 202.10 for an internal ADU of 791 sf (i.e. 15% of the gross floor area of the house) in the basement of an existing single-family detached dwelling in the Cleveland Park historic district. The Zoning Administrator subsequently determined that although § 405.8 permits the extension of a non-



compliant, pre-1958 side yard that is at least 5 feet wide, the applicant's planned addition would create a side yard pinch-point of two feet, where the western property line narrows, thus requiring side yard relief under § 223, a waiver of one of § 201.10's special exception criteria for an ADU, and a variance from the non-conformity restrictions of § 2001.3. All of the above requested relief was included in the case's advertisement. The revised filing is dated September 16, 2014.

Figure 1. Location: 2957 Newark St., NW is on left, outlined in red. Connecticut Ave, NW is diagonal street, upper right.

IV. ZONING REQUIREMENTS, REQUESTED RELIEF, AND OP ANALYSIS

A. Special Exception under §§ 202.10 and 3104 to construct an Accessory Dwelling Unit.

The proposal meets the special exception criteria in § 202.10 for establishing an ADU. The applicant has requested that one criterion be waived. With the exception of the owner-occupancy requirement, § 202.10 (i) permits the Board to waive up to two of the section's criteria.

SE (§. 202.10)	Criteria and Provided	OP Analysis
House Type	<i>Detached required.</i> <i>Semi-detached provided</i>	<i>Relief requested and recommended by OP. The garage that makes the house into a semi-detached structure already exists.</i>

Lot Size (a) (3)	5,000 SF required in R-1-B 6,888 SF provided	Meets criterion.
House Size (b)	At least 2,000 sf, exclusive of garage, required 5,357 SF provided	Meets criterion.
ADU Size (c)	25% of house's GFA as maximum 15% (791 sf) provided	Meets criterion.
Internal only (d)	Internal ADU required Internal ADU provided	Meets criterion.
Entrance (e)	An additional street-facing entrance prohibited. Existing side-facing entrance provided.	Meets criterion. Entrance facing street already exists; is not additional
Owner-occupied (f)	Principal dwelling or ADU required to be owner occupied Owner-occupied dwelling provided.	Meets criterion.
Aggregate # Occupants (g)	No more than six occupants between principal residence and ADU required. 4 provided: 2 in principal residence; 2 in ADU proposed.	Meets criterion.
Home occupation (h)	If home occupation already on site, ADU is prohibited No home occupation provided	Meets criterion.
Waiver of Criteria (i)	BZA may waive no more than 2 of § 202.10's criteria Applicant requests waiver of 2 criteria	Meets criterion.
(i) (1)	Owner-occupancy requirement may not be waived.	Meets criterion.
(i) (2)	Modification shall not conflict with single-family intent of R-1-B zone	Meets criterion.
Waiver of Criteria (i) (3)	Modification requiring more than 2 waivers must be a use variance	Not Applicable.

Table 2.

- B. Special Exception under § 223 from the Side Yard requirements of § 405.9
- C. Relief from § 2001.3 for Rear Addition creating side yard non-conformity

Because the existing garage is attached to the house, is built to the eastern side property line, is more than four feet above the adjacent grade, and extends to the rear beyond the point where the

western side property line shifts and narrows the width of the property, the Zoning Administrator has determined that:

- The garage is part of the structure under § 2503.2 (a);
- The house is a semi-detached structure;
- At the point indicated with the red circle in the Figure 2 below, the property is and would continue to be non-conforming with respect to its side yard
- The application requires relief from the side yard requirements of § 405.9 under the special exception provisions of § 223.

The BZA has also held in recent cases that relief is required from § 2001.3 for such non-conforming structures.

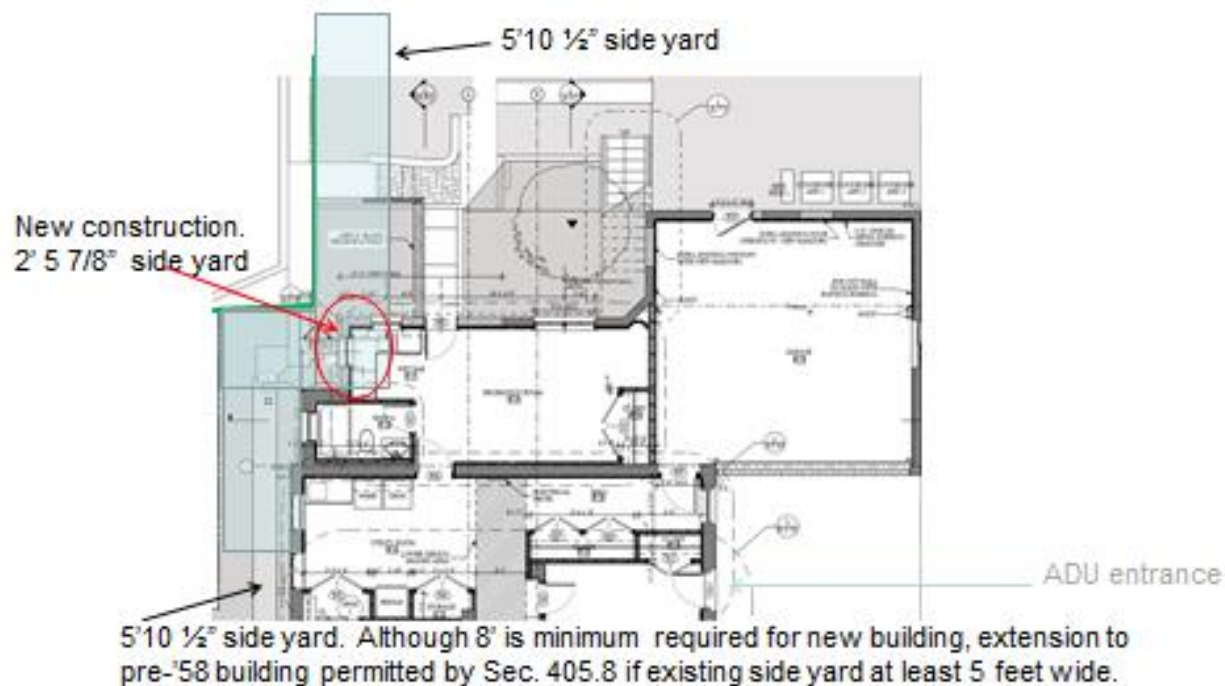


Figure 2. Side Yard Information

The following evaluation is based on information that had been filed as of September 16, 2014.

S.E. Criteria	OP Analysis
§ 3104.1: Harmony w/ purpose/intent of zoning regs.	Consistent with purposes of § 223
§ 3104.1: Not tend to adversely affect use of neighboring properties.	Addition will not be closer to the adjacent house than is the existing to-be-demolished-and -rebuilt portion of the applicant's house. The Applicant will need to demonstrate that the new addition will not tend to have adverse effects on

	neighboring properties, their light, air, privacy or property usage.
§ 223.2 (a): No undue effect on light and air of neighboring properties.	Same as above. The NW corner of the existing house already has windows on its second first and second stories.
§ 223. 2(b): No undue compromise on privacy, use, enjoyment of neighboring properties.	Same as above
§ 223. 2(c): No substantial visual intrusion upon character viewed from street or alley.	Existing addition is not visible from street and there is no alley. Proposed addition will be no closer to western property line than existing addition. Applicant should provide additional photographs showing view of space between applicant's property and property to the west.
§ 223. 2(d): Sufficient visual representations of above.	Needs to be provided.

Table 3. Side Yard Relief Evaluation

V. HISTORIC PRESERVATION OFFICE COMMENTS

The design has not yet been reviewed by the Historic Preservation Review Board or its staff.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No other agency comments had been filed as of September 16, 2014.

VII. COMMUNITY COMMENTS

There was no ANC statement, or any other public comment, on file as of September 16, 2014.