

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 23, 2014

SUBJECT: BZA Case 18832 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to a one-family detached dwelling located at 3403 Macomb Street, 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 (3 feet existing, 5.7 feet proposed, 8' required)

OP notes the Applicant requested relief from § 405.8, Side Yard as the building was built prior to May 12, 1958. However, upon discussion with DCRA and OZ Staff, it was confirmed relief from § 405.9, Side Yard is needed, since the existing side yard does not meet the 5' requirement of § 405.8, Side Yard. The existing main residence has a nonconforming side yard of 3 feet and the existing sleeping porch has a nonconforming side yard of 5.7', which will meet and match the proposed addition.

II. LOCATION AND SITE DESCRIPTION:

Address:	3403 Macomb Street NW
Legal Description:	Square 2078 , Lot 42
Ward/ANC:	3/3C
Lot Characteristics:	The rectangular lot is 6,710 sf in area and has a frontage of 50 feet on Macomb Street. The rear of the lot is approximately 50 feet in width. The lot abuts Macomb Recreation Center to the west and a one-family detached dwelling to the east.
Zoning:	R-1-B – one-family detached dwellings.
Existing Development:	One-family detached dwellings, permitted in this zone.
Historic District:	Cleveland Park
Adjacent Properties:	Macomb Recreation Center to the west and a one-family detached dwelling to the east. Dense, tall landscaping exists between the Applicant's property and the residential property to the north on Newark Street, which is not visible from the Applicant's property.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Nancy Herman represented by Michael Mersch, AIA
Proposal:	The request is part of an overall renovation to the basement and existing sleeping porch located at the rear part of the main residence. The Applicant plans to renovate the enclosed basement level under the existing porch (currently used for storage) into a basement-level living space with a deck and stairs on top, extending the porch at the first/main level of the residence. The Applicant requests a one-story, approximately 45 sf enclosed addition be added at the basement level, which includes a 5.7' side yard at the western property boundary. The proposed side yard of the addition is in line with the 5.7' side yard of the existing porch/basement western wall. A small, 10.31 sf portion of the proposed addition encroaches into the 8' side yard area.
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	40 ft. max.	40 ft.	40 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.	6,710 sq.ft.	6,710 sq.ft.	None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	40% max.	27%	29%	None required
Rear Yard (ft.) § 404	25 ft. min.	77.7 ft.	65.5 ft.	None Required
Side Yard (ft.) § 405.9	8 ft. min.	3 ft. (residence) and 5.7 ft. (porch)	5.7 ft. for a length of 4.5 ft. (10.31 sf)	Relief Needed

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.*

¹ Information provided by the Applicant.

Single family detached dwellings are a permitted use in this zone. The Applicant requests special exception relief under § 223 from the requirements of §405.8 Side Yard. Upon discussion with DCRA and OZ, it was determined relief from §405.9 is instead required.

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 will not substantially affect the light and air available to neighboring properties. The grade of the Macomb Recreation Center to the west of the Applicant's property is approximately 4'-8" above the basement level of the new addition. There is a retaining wall and chain link fence along the boundary of the Macomb Recreation Center, separating the properties. The proposed addition of approximately 15' in height will be visible, but in no way affect the light and air available to the playground. Dense vegetation, grade change and a substantial distance separate the Applicant's addition from the property to the north, so their light and air is not affected. The light and air available to the neighboring property to the east will also not be affected by the minimal addition, which is located on the western (opposite) side of the neighboring property to the east.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. The addition is enclosed at the basement level and porch, deck and a stair will be atop and adjacent to the basement level. Porch uses currently exist at the rear, first level of the house, and they will be minimally expanded with the proposed addition. The neighboring property to the east does not have a porch, as the usable rear yard is at grade/basement level. The porch and deck use of the proposed addition will not affect the privacy or use of the Macomb Recreation Center, due to its minimal size in comparison with the center. The addition is likely not visible from the property to the north and thus privacy is maintained.

(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 additions will not substantially visually intrude upon the character, scale and pattern of houses along the Macomb or 34th Street frontages. The addition will likely not be visible from Macomb Street nor will it likely be easily visible 34th Street NW by pedestrians, as there is a wooden privacy fence along the sidewalk of 34th Street NW. It will be visible from Macomb Recreation Center and will not impact its character. The addition will not intrude on the general character of the neighborhood, as the minimal addition is in keeping with the existing style of the residence.

- (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 plans and 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 the existing structure is 27% and with the addition, will be 29% which is less than required.

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 special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and 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 existing use is a permitted in this zone; the addition does not change this.

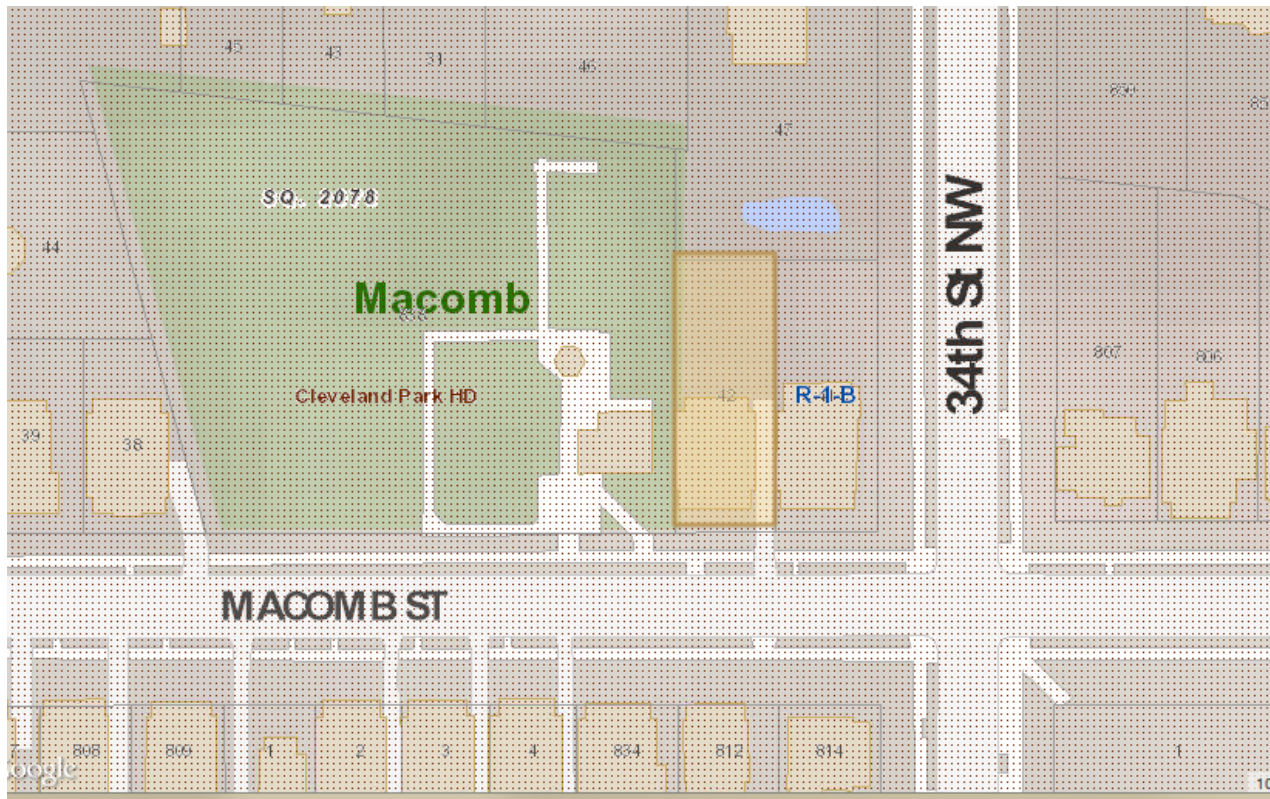
Historic Preservation Staff reviewed the request and has no issue with the request. They noted there is a Capitol Historic Trust Easement on the property and note the improvements should be in keeping with the easement.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant provided a letter of support from the adjacent property owner's trustee located to the east at 3401 Macomb Street NW.

ANC 3C: The property is within ANC-3C. The Applicant intends to present the request to the ANC on either/both September 2nd and September 15th. As of the date of this report, OP has received no comments on the application from the ANC.

Attachment: Location Map



Location Map