

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: November 10, 2015
SUBJECT: BZA Case 18843A, 5526 39th Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Lot Occupancy (40% maximum, 43.7% proposed); and
- § 2001, Nonconforming Structures.

II. LOCATION AND SITE DESCRIPTION

Address	5526 39 th Street, N.W.
Legal Description	Square 1747, Lot 37
Ward	3, 3G
Lot Characteristics	The rectangular lot has an area of 4,200 square feet, with a frontage of 30 feet along 39 th Street. A 15 foot wide public alley abuts the rear of the lot, which is 30 feet wide.
Zoning	R-2 – detached and semi detached single family dwellings.
Existing Development	Detached dwelling, permitted in this zone.
Historic District	Not applicable.
Adjacent Properties	Adjacent properties are similar in size, or larger, and generally developed with semi-detached single family dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly residential. The nearest commercial corridor is Connecticut Avenue, located approximately 2.5 blocks to the east in the Chevy Chase neighborhood.

III. APPLICATION IN BRIEF

The applicant proposes to modify a previously-approved application requesting special exception relief from § 405, Side Yard, and § 2001.3, Nonconforming Structures. The previous application, approved by the Board on October 7, 2014, allowed for the construction of a 21.5 foot by 17 foot, two story plus cellar addition to the rear of an existing detached single family dwelling. A deck would also be constructed, but did not require relief because it was less than four feet in height.

The present application requests relief that would be necessary for the construction of a single story garage with a cellar. The existing garage would be demolished and replaced with a larger, 14.5 foot by 21 foot structure, and a parking pad would be located south of the proposed garage. The proposed garage would increase the lot occupancy 3.7% above the maximum of 40%, but would not require side or rear yard relief.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED – GARAGE ONLY

R-2 Zone	Regulation	Proposed	Relief
Height § 400	15 ft. max.	12 ft.	None required
Lot Width § 401	40 ft. min.	30 ft.	Existing nonconforming
Lot Area § 401	4,000 SF min.	4,200 SF.	None required
Lot Occupancy § 403	40% max.	43.7%	Required
Rear Yard Occupancy § 2500	30% max.	0%	None required

V. OFFICE OF PLANNING 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 dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of §403, lot occupancy, and § 2001, nonconforming structures, to allow for the demolition of the existing garage and construction of a larger one in its place. The new garage would be 14.5 feet wide by 21 feet long, with an area of 304 square feet. The garage would be constructed approximately 20 feet behind the proposed addition at the rear of the dwelling, ensuring that the required rear yard remains unencumbered. Accessory structures are not required to provide side yards; however, a separation of 5.08 feet from the north property line has been provided, which is larger than the side yard provided by the existing structure, and a separation of 10.42 feet has been provided from the south property line. The applicant has indicated that landscape would be installed along the perimeter, but has not provided any plans.

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 detached garage should not unduly affect the light and air available to neighboring properties. The single story, 12 foot high garage would provide setbacks from adjacent property lines: five feet from the north property line; 10.42 feet from the south property line; and 4.52 from the rear property line. In addition, the garage would be screened by adjacent six foot high fences.

- (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 would be separated from existing dwellings by the setbacks that would be provided, and would not generate significant outdoor activity that would be disruptive to neighbors. The detached garage would be a distance of approximately 40 feet from the residence to the south, 30 feet from the residence to the north, and 30 feet from the residence to the west, further minimizing the impact that the structure should have on neighboring properties.

- (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 detached garage would not visually intrude upon the character, scale and pattern of houses along the street frontage, as it would be obscured by the existing dwelling. The garage would be designed to match the existing dwelling, using the same materials, windows, and roof type, ensuring that it is compatible with the dwelling. The detached garage would be visible from the 15 foot wide public alley, but would be screened partially by the rear six foot high fence. In addition, detached structures are common in this neighborhood, so the proposed structure would add to the existing character found down alleyways.

- (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 43.7%, which is less than the 50% permitted with the approval of 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.*

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

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, the Office of Planning had not received comments from other District Agencies; however, it is anticipated that the District Department of Transportation will file a report under separate cover.

VII. COMMUNITY COMMENTS

OP has been notified by an adjacent property owner that he and other neighbors intend to file party status in opposition of this request.

Location Map

