

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: November 25, 2014
SUBJECT: BZA Case 18994, 3509 Patterson Street, NW, NW

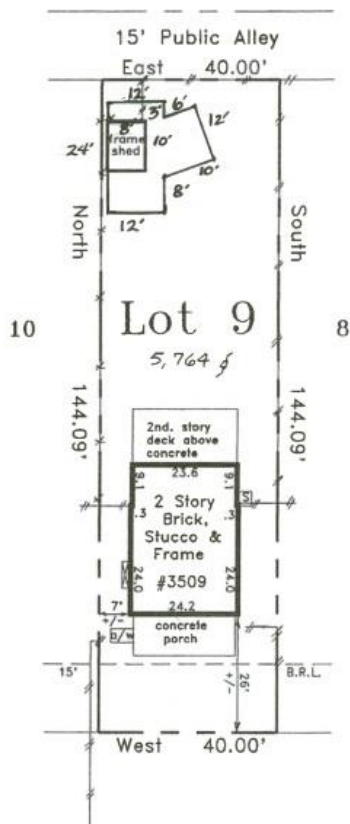
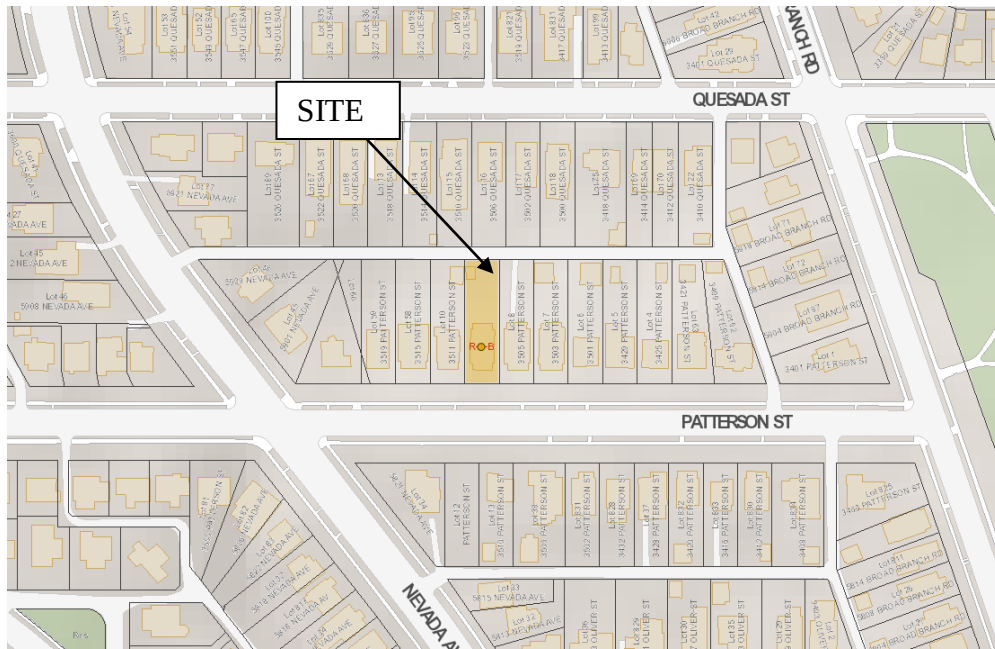
I. OFFICE OF PLANNING RECOMMENDATION

Merv Richards and Judith Brodie (Applicant) request special exception review pursuant to § 223 to allow the conversion of an accessory garden shed to an enlarged artist studio at 3509 Patterson Street, NW. The Office of Planning (OP) recommends **approval** of the following:

- § 404, Rear Yard (25 feet maximum, 8.5 feet existing, 5 feet proposed);
- § 405, Side Yard (8 feet required, 1.2 feet existing, 1.2 feet proposed); and
- § 2001.3, Expansion of existing non conformities (Rear and Side yards).

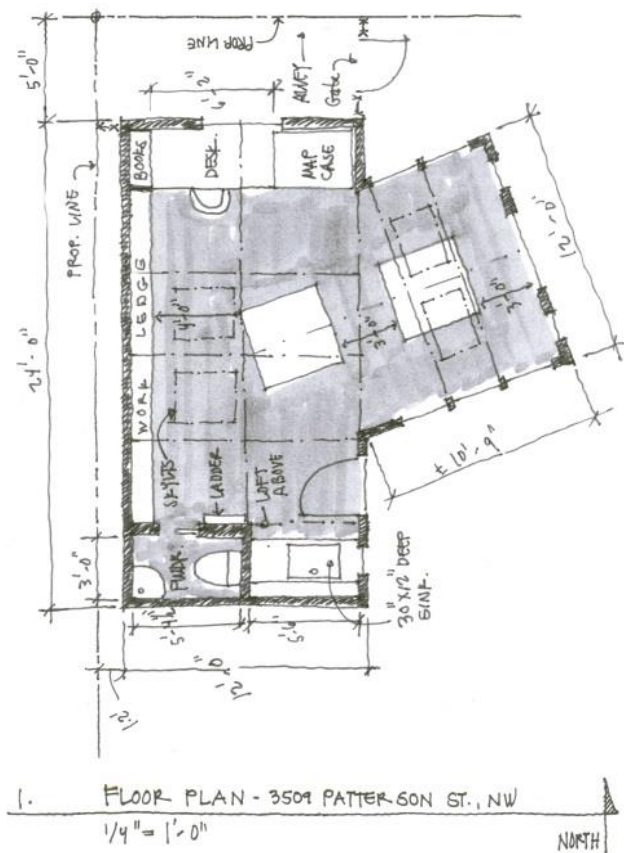
II. LOCATION AND SITE DESCRIPTION

Address	3509 Patterson Street, NW
Legal Description	Square 2001, Lot 9
Ward	3, 3G
Lot Characteristics	The 5,763.6 square foot lot is rectangular in shape (40 feet x 144.09 feet). A fifteen foot building restriction line is along Patterson Street. The rear of the lot abuts a 15 foot wide public alley.
Zoning	R-1-B – detached and semi-detached single family dwellings.
Existing Development	Detached single family dwelling with an accessory garden shed permitted in this zone.
Historic District	N/A
Adjacent and Surrounding Properties	Predominantly detached single family dwellings.



Patterson Street,
N.W.

SITE PLAN



PROPOSED ARTIST STUDIO

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to demolish the existing garden shed and replace it with an expanded structure to accommodate an artist studio and storage. The new structure would have a footprint of 400 square feet. To enable the proposal, the Applicant requests review under § 223 for rear yard and side yard relief, and for increasing existing non-conformities.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-1-B	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	12.5 ft.	16 ft.	None required
Lot Width § 401	50 ft. min.	40 ft.	40 ft.	Existing nonconforming
Lot Area § 401	5,000 sq. ft. min.	5,764 sq. ft.	5,764 sq. ft.	None required
Lot Occupancy § 403	40% max.	19.7%	24.8%	None required
Rear Yard § 404	25 ft. min.	8.5 ft.	5 ft.	Required - Expanding a nonconformity
Side Yard § 405	8 ft. min.	1.2 ft.	1.2 ft.	Required-Expanding a nonconformity

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 single family dwellings are a permitted use in this R-1-B zone. The applicant is requesting special exception review under § 223 for § 404, Rear Yard, § 405, Side Yard and § 2001.3, Expansion of existing non-conformities requirements

223.2 The addition or accessory structure shall not have a substantially adverse effect 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 applicant proposes to replace the one-story structure at the rear of the property, maintaining the current 1.2 foot side yard and reducing the rear yard setback to 5-feet. The structure would maintain its adjacency to a garage on the adjacent property and would be of similar height. The location and the layout of the proposed building are designed to preserve a large tree in the rear yard. Most of the existing landscaping is intended to remain on the property to help screen the addition from adjoining neighbors. The proposed height and area of the structure would not affect the light and air of adjacent residences or rear yards along the alley.

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

The reduced side yard would be adjacent to a neighboring garage that has no windows. Windows on the side of the proposed structure that would face adjacent properties would be placed high so as not to permit direct views into adjacent properties or to intrude upon their privacy of use or compromise the enjoyment of their properties. However, the windows would allow light and air into the studio.

- (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 studio would be visible from the public alley but not from Patterson Street as it would be screened by dense landscaping along the property line. The building material would be similar to the main house and it is not anticipated that the proposed additions would substantially visually intrude upon the character, scale and pattern of houses along the adjacent public ways.

- (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 drawings, including site plan and elevations, and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from alley.

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 would be increased to 24.8% which is less than the 40% permitted as a matter-of-right and the 50% permitted within the R-1-B district 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 has no recommendations for special treatments for this application.

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

Advisory Neighborhood Commission 3G is scheduled to review the application at their regularly scheduled meeting on November 10, 2014. The Applicant represented to OP that the adjacent neighbors are in support of the proposal.