

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: February 3, 2015

SUBJECT: BZA Case 18917 - request for a variance from the side yard requirements under § 405.8, to allow the construction of a two-story rear addition to an existing single-family dwelling at 1214 Kearney Street N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Applicant has requested a variance for side yard relief; however, the Office of Planning (OP) notes that a special exception pursuant to § 223 is instead possible. Accordingly, OP has reviewed this application as a special exception request. In addition, the Applicant has not requested relief from § 2001.3; however, this relief also appears to be required.

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

- § 405.8 Side Yard (8 feet required; 3.1 feet existing; 6 feet proposed); and
- § 2001.3 Nonconforming Structures.

II. LOCATION AND SITE DESCRIPTION:

Address:	1214 Kearney Street NE
Legal Description:	Square 3930, Lot 37
Ward:	5
Lot Characteristics:	The rectangular lot is 33.33 feet wide along the Kearney Street frontage and 150 feet deep. The total lot area is 4,999 square feet.
Zoning:	R-1-B
Existing Development:	Single-family detached dwelling, permitted in this zone.
Historic District:	NA
Adjacent Properties:	Adjacent properties include single-family dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood is characterized by single-family dwellings and institutional uses.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Asmus Conermann
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Board of Zoning Adjustment

District of Columbia

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Proposal:	The Applicant proposes to construct a 13' x 18' two-story rear addition to an existing single-family dwelling. The addition would include a family room on the first floor and an expanded bedroom on the second floor.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats



Subject Property

V. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	24 ft.	24 ft.	None required
Lot Width (ft.) § 401	50 ft. min.	33 ft.	33 ft.	Existing nonconforming
Lot Area (sq.ft.) § 401	5,000 sq.ft. min.	4,999 sq.ft.	4,999 sq.ft.	Existing nonconforming
Lot Occupancy § 403	40% max.	19.6%.	24.3%	None required
Rear Yard (ft.) § 404	25 ft. min.	92 ft.	43.5 ft.	None required
Side Yard (ft.) § 405	8 ft. min.	3.1 ft.	6 ft. (addition)	Relief required
Court § 406	NA	NA	NA	None required

VI. 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.

Single-family detached dwellings are a permitted use in this zone. The Applicant requires special exception relief under § 223 from the requirements of § 405 (Side Yard).

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 proposed addition would not affect the light and air available to neighboring properties. The proposed addition would not infringe on the property to the east, 1218 Kearney Street, which would be separated by a 10 foot driveway and 6 foot side yard. The proposed addition would not compromise the light and air of the neighboring property to the west, 1210 Kearney Street NE, which would be separated by its driveway and side yard. The properties to the north are separated from the proposed addition by rear yards.

¹ Information provided by applicant.

- (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 proposed addition would not infringe on 1218 Kearney Street, which would be separated by that property's 10 foot driveway and 6 foot side yard. The proposed addition would not compromise the privacy of use and enjoyment of the neighboring property to the west, 1210 Kearney Street NE, which would be separated by its driveway and side yard from the proposed addition.

- (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 be visible from Kearney Street NE. The addition would not visually intrude upon the character, scale and pattern of houses along the street frontage.

- (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 would be significantly less than 40%, which is the amount permitted by-right 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 for the protection of adjacent 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 would be a single-family dwelling, which is permitted in the R-1-B zone.

VII. COMMUNITY COMMENTS

The Applicant received a letter of support from the neighboring resident at 1218 Kearney Street.

As of this writing, comments from ANC 5B have not been submitted to the record.