

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: *JL* Joel Lawson, Associate Director of Development Review
DATE: February 19, 2015
SUBJECT: BZA Case #18941, 3318 Fessenden St. NW: Waiver of Rules for Late Submittal of a Report pertaining to special exception relief

The attached report concerning BZA Case #18941 is being submitted less than 7 days prior to the Board of Zoning Adjustment's Public Meeting. The Office of Planning respectfully requests that the Board waive its rule and accept this report into the record.

JL/MCR

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: February 24, 2015

SUBJECT: BZA Case #18941 - Expedited request pursuant to DCMR 11 § 3104.1 for special exception relief under §223 and §1520 to construct a second-story addition located at 3318 Fessenden Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (“OP”) recommends **approval** of the following special exception relief pursuant to § 223 and §1520:

- § 1518.3 “Lot Occupancy, Impervious Surface and Side Yard Restrictions” (6.64 feet and 7.21 feet side yard existing, no change proposed, 8’ and 24’ in aggregate required and 13.85’ existing)

Though not requested by the Applicant, as noted above, a special exception pursuant to §1520 “Special Exceptions (FH/TSP)” is required as it includes distinct requirements from the underlying zone. Additionally, it appears relief from §2001.3 “Nonconforming Structures Devoted to Conforming Uses” is needed as the proposed second-story addition extends the nonconforming side yard condition (eastern side yard and side yards in aggregate) of the existing one-story portion of the residence.

II. LOCATION AND SITE DESCRIPTION:

Address:	3318 Fessenden Street NW
Legal Description:	Square 2033 , Lot 0002
Ward/ANC:	3/3F
Lot Characteristics:	The irregularly-shaped lot is 9,924 sf in area and has a frontage of 64 feet on Fessenden Street NW. The rear of the lot is approximately 88.6 feet in width.
Zoning:	FH-TSP/R-1-A – One-family detached dwellings, subject to the zone Forest Hills Tree and Slope Protection Overlay District
Existing Development:	One-family detached dwellings, permitted in this zone.
Historic District:	None
Adjacent Properties:	The lot abuts the Forrest Hills Senior Living campus to the west and one-family detached dwellings to the east and south.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Patricia and Thomas Johnson by Laura Campbell, Architect
Proposal:	The request is for a second-story addition above an existing garage and one-story portion of the residence.
Relief Sought:	§223 Special Exception relief from the R-1-A side yard requirements; and §1520 Special Exception relief from the side yard and aggregate side yard requirements

IV. ZONING REQUIREMENTS

R-1-A/FH-TSP Zones	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	>40 ft.	>40 ft.	None required
Lot Width (ft.) § 401	75 ft. min.	64 ft.	64 ft.	Nonconforming; None required
Lot Area (sq.ft.) § 401	7,500 sq.ft. min.	9,924 sq.ft.	9,924 sq.ft.	None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403/§1518.1	40% max./30% max	25%	25%	None required
Rear Yard (ft.) § 404	25 ft. min.	55 ft.	55 ft.	None Required
Side Yard (ft.) § 405.9 and §1518.3	8 ft. min. and 24' in aggregate	6.64' (east); 7.21 (west); 13.85' in aggregate	6.64' (east); 7.21(west); 13.85' in aggregate	Relief Needed
Impervious Surface Coverage Maximum (%) §1518.2	50%	28.43%	28.43%	None Required

V. OP ANALYSIS:

Special exceptions pursuant to § 223 and §1520 for relief from the side yard regulations of the R-1-A District and from the side yard and aggregate side yard regulations of the FH-TSP zone. The following is OP's analysis of both special exception requests.

§ 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

¹ Information provided by the Applicant.

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 requests special exception relief under § 223 from the side yard requirements of §405.9 Side Yards of the R-1-A and 1518.3 Lot Occupancy, Impervious Surface and Side Yard Restrictions. Additionally, relief from §2001.3 Nonconforming Structures Devoted to Conforming Uses as the existing side yard widths do not meet the requirements and the additional story for a portion of the residence furthers the non-conformity.

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 addition is approximately 600 sf which is minimal compared to the lot size of over 9,000 sf. Additionally, a very large tree is located in the side yard adjacent to the addition which provides shade to both the Property and the neighbor to the east. Since the immediate area is already shaded, it is unlikely the addition would result in a significant amount of additional shading on to the eastern neighbor's property

(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 fully-enclosed and would include two small windows that appear to solely provide ambient light to the interior of the addition and would not permit views to eastern neighbor's property. There would be windows on the south side of the addition; however, due to the large rear yard of 55' as well as landscaping, privacy of use and enjoyment for the neighbor to the south likely would not be unduly compromised.

(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 addition would not substantially visually intrude upon the character, scale and pattern of houses along the Fessenden Street frontage. The gabled roof, trim, window types, dormer, siding and materials would be in keeping with the existing residence and will be consistent with the character of the street.

(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 25% and with the addition, would continue to be 25% 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 residential use is permitted in the R-1-A District. The proposed addition is an extension of the existing residential use and thus conforms district use requirements.

§ 1520 SPECIAL EXCEPTIONS (FH/TSP)

Per §1520.1, any exception from the requirements of the FH/TSP Overlay zone shall be permitted as distinct from the requirements of the underlying zoning district, only as a special exception if approved by the BZA after public hearing subject to the following requirements:

(a) Tree removal, grading, and topographical change shall be limited to the maximum extent possible, consistent with construction of a building permitted by the standards of the FH/TSP Overlay;

As part of the 600sf second-story addition, the Applicant confirmed that no tree removal, digging, grading or footing work will take place with the construction, and the Applicant will use the existing driveway or rear concrete and brick terrace for construction storage of materials and/or staging.

(b) The applicant shall demonstrate that there are specific physical characteristics of the lot that justify the exception;

As stated in the Applicant's justification, the specific, limiting physical characteristic of the property is the original siting of the ground floor plate of the existing residence. The ground floor of the residence was built with nonconforming side yard dimensions as per the R-1-A District and thus it is reasonable that the second floor addition would extend the length of the ground floor. Additionally, the FH-TSP aggregate side yard requirement was instituted after the residence was constructed.

(c) The excepted building and overall site plan of the lot shall be generally consistent with the purposes of the FH/TSP Overlay District and not adversely affect neighboring property; and

Per §1516.1, the “Forest Hills Tree and Slope Protection Overlay District” was established to preserve and enhance the park-like setting of the neighborhood, by regulating alteration or disturbance of terrain, destruction of trees and the ground coverage of permitted buildings and other impervious surfaces. The purpose of the district is to preserve the natural topography and mature trees; prevent significant adverse impacts on open spaces and natural areas; and to limit permitted ground coverage of new and expanded buildings (§1516.2). Because the Applicant’s addition does not include an increase in building coverage, impervious area, tree damage or destruction, it is generally consistent with the purpose the FH/TSP zone. Additionally, the impacts of the addition on the eastern neighbor’s property appear to be minimal because of the small size of the addition. The eastern neighbor, located at 3312 Fessenden, has submitted a letter in support of the Applicant’s request.

(d) The Board may impose requirements as to design, appearance, tree protection practices during construction, buffering, and other requirements as it deems necessary to achieve the purposes of this Section and may vary side and rear yard requirements in order to achieve the purposes of this Section.

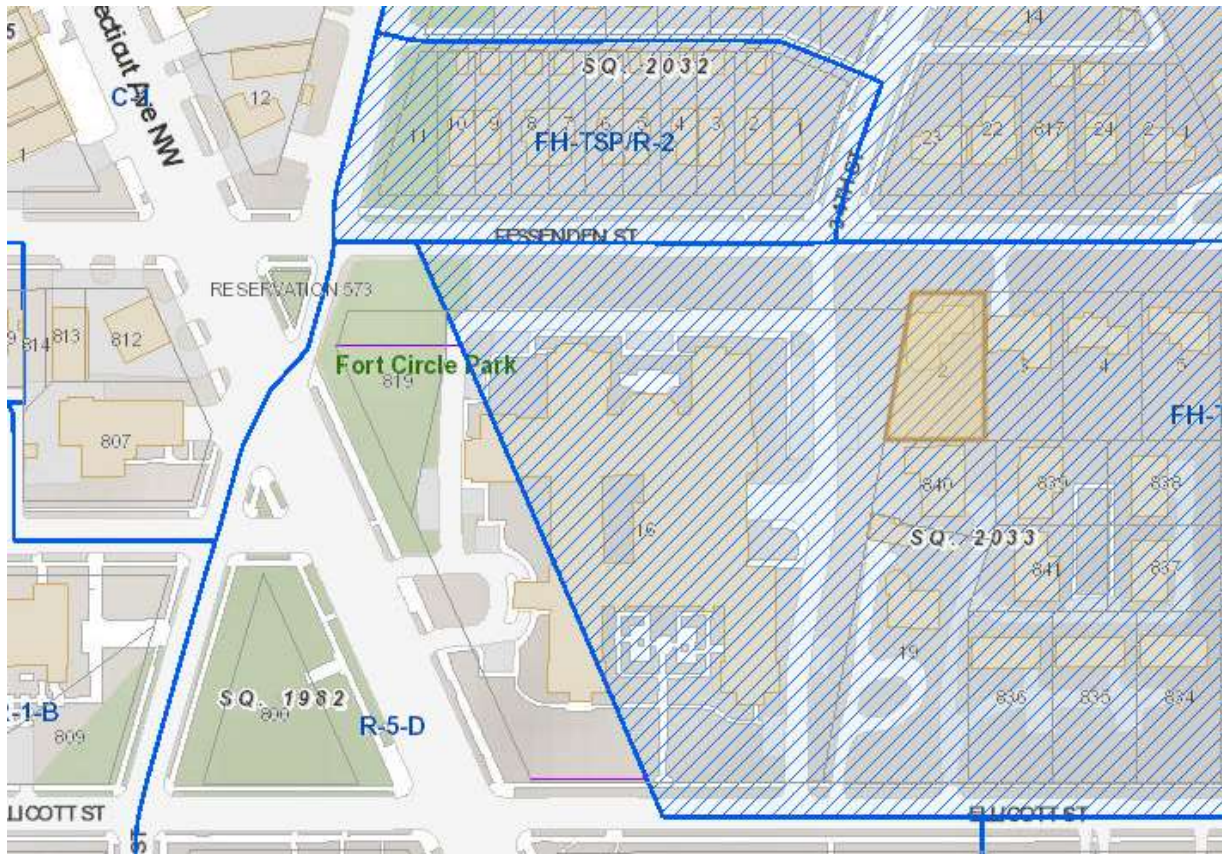
OP does not recommend the BZA impose additional design, appearance, tree protection, buffering or other requirements, as the Applicant stated the tree will not be impacted by the second-floor addition and no disturbance to the grade or topography will occur.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant provided a letters of support from the adjacent property owner immediately to the east; as well as other letters of support from nearby neighbors; and signatures of support.

ANC 3F: The property is within ANC-3F. The Applicant presented the request to the ANC on February 17, 2015 and they voted to support the request.

Attachment: Location Map



Location Map