

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
JS Joel Lawson, Associate Director Development Review

DATE: March 31, 2015

SUBJECT: BZA Case 18960 - request for special exception relief under § 223 for 2807 Sherman Avenue, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Percentage of Lot Occupancy (60 percent permitted, 70 percent proposed);
- § 406, Open Court Width (10 feet required, 3.5 feet proposed); and
- § 2001.3, Enlargements or Additions to Nonconforming Structures.

II. LOCATION AND SITE DESCRIPTION:

Address	2807 Sherman Avenue, N.W.
Applicants	Matthew Medvene and Mark Medvene
Legal Description	Square 2886, Lot 337
Ward	1B
Lot Characteristics	Rectangular lot
Zoning	R-4 – moderate density residential
Existing Development	Two-family row dwelling, permitted in this zone.
Adjacent Properties	North, South and East: Semi-detached structures West: Row houses and a commercial business
Surrounding Neighborhood Character	Primarily moderate density residential

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to renovate and expand the two-family row dwelling to include a third floor. Although the dwelling is attached only on one side to another structure on the south, it is a row house because a portion of the north wall of the flat extends to the property line, even though it is not attached to the dwelling on the lot to the north.

The applicant proposes to add a third floor, expand a bay window into the shape of a rectangle, relocating the window to face north to the street only, and add an outdoor staircase from the second floor to the third floor on the north side of the building to access the roof. The proposed addition would include no windows on the north side of the building facing the existing dwelling to the north, and an existing deck in the rear yard would be demolished to reduce the lot occupancy to seventy percent. The existing 3.5-foot wide open courts would be continued upward to include the third floor.

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40-foot/ 3-story max.	24.5 feet/ 2-stories	39 ft., 10 in./ 3-stories	None required
Lot Width § 401	18-foot min.	20.5 feet	20.5 feet	None required
Lot Area § 401	1,800 sq. ft. min.	1,385 sq. ft.	1,385 sq. ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.; 70% by SE	70%	70%	Required
Rear Yard § 404	20-foot min.	20 feet	20 feet	None required
Side Yard § 405	8-foot min.	3.5 feet	3.5 feet	Required
Open Court § 406	10-foot min.	3.5 feet	3.5 feet	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.*

Flats and row dwellings are a permitted use in this zone. The applicants are requesting special exception relief under § 223 from the requirements of § 403, Percentage of Lot Occupancy, § 406, Courts and § 2001.3, Enlargements or Additions to Nonconforming Structures.

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 increase the height of the flat on the subject property to be generally consistent with the flat on the adjacent lot to the

north through the addition of a third floor within the same footprint as the existing structure. As the building would be no higher than the adjacent structure to the north, and there would be no increase in lot occupancy, light and air to neighboring properties should not be unduly affected.

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

The proposed building would be no closer to the flat on the adjacent lot to the north than the existing situation, and the addition of a third floor would be more consistent with the height of that structure. There would be no reduction in the width of the court and no increase in lot occupancy on the subject property. Rather, the existing situation between the buildings would be continued to include the third floor. No windows would be provided on the north side of the building on the third floor, and the proposed exterior stairwell would not be located adjacent to any windows on that adjoining property, preserving privacy of use and enjoyment of the units on the lot to the north.

- (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 proposal would result in a three-story dwelling, similar in character and scale as viewed from the street to the property to the north.

- (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 submitted photographs and plans sufficient to represent the relationship of the proposed addition to adjacent buildings and 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 proposed lot occupancy is 70 percent, equal to the maximum permitted in R-4 by 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.*

OP makes no special treatment recommendations.

223.5 *This section may not be used to permit the introduction or expansion of a*

nonconforming use as a special exception.

The subject application would not result in the introduction or expansion of a nonconforming use.

VII. AGENCY COMMENTS

No comments were received from other District agencies.

VIII. COMMUNITY COMMENTS

No comments were received from ANC 1B

Attachment: Location Map

