

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: March 31, 2015

SUBJECT: BZA Case 18970 - special exception relief under § 223 to allow for the construction of an addition to a one-family detached dwelling located at 2903 44th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 404.1, Rear Yards (0 feet existing, 0 feet proposed, 25' required)

II. LOCATION AND SITE DESCRIPTION:

Address:	2903 44 th Street NW
Legal Description:	Square 1620 , Lot 85
Ward/ANC:	3/3D
Lot Characteristics:	The square-shaped lot is 10,004 sf in area and has a frontage of 100 feet on 44 th Street NW and 100' on Garfield Street NW. Generally, the residence is sited on the north eastern part of the large lot, which creates a large front and side yard.
Zoning:	WH/R-1-A – One-family detached dwellings and subject to the Wesley Heights Overlay District.
Existing Development:	One-family detached dwellings, permitted in this zone.
Historic District:	None
Adjacent Properties:	One-family detached dwellings with large open spaces nearby. Generally, located north of Georgetown, between the Battery Kemble Park/Fort Circle Park and Glover-Archbold Park/Glover Parkway.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Nam Dinh Pham represented by Alan Kinney
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Proposal:	The request is for the demolition of a one-story addition and deck (originally permitted in 1974 via BZA #11750), and the reconstruction of a slightly larger one-story addition in the same location. The existing original addition foundation and garage walls are to remain.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-1-A/WH Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400.1	40' max./3 stories	Appears ≤40'	No change	None required
Lot Width (ft.) § 401.3	75' min.	100'	100'	None required
Lot Area (sq.ft.) § 401.3	7,500 sf	10,004 sf	10,004 sf	None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Gross Floor Area Limit (sq.ft.) §1543.3	2,000 sf + 40% of lot area ² (totals 6,001.6sf)	4,389 sf	4,549 sf	None required
Lot Occupancy § 403.2/§1543.2	40% max./30% max.	19.7%	22%	None required
Rear Yard (ft.) § 404.1	25' min.	0'	0'	Relief Needed
Side Yard (ft.) § 405.9	8' min.	12.7' (north) and 35.9' (south)	12.7' (north) and 35.9' (south)	None Required
Front Yard Setback (ft.) §1543.4	Equal to or greater than the average setback of all structures on the same side of the street (35.3')	45.8'	45.8'	None required

V. OP BACKGROUND AND ANALYSIS:

In 1974, per #11750, the BZA granted rear yard relief such that a 0-foot rear yard was permitted for the existing garage, one-story addition and deck (atop the existing garage). Per the current request, the Applicant requests relief from the rear yard requirement such that again no rear yard is proposed

¹ Information provided by the Applicant.

² Per §1543.3 (a) and (b), 200 sf of an open porch and 600 sf of a garage do not count as GFA; and basement shall count in GFA if a finished floor is provided, if the floor-to-ceiling height is in excess of 6'-6", and shall count only up to a floor area equal to five (5) times the total fenestration area for the basement floor.

to be provided with the existing garage (foundation and walls to remain) and proposed larger one-story addition (foundation to remain). The proposed addition is approximately 160 sf larger than the existing addition that is situated to the north/atop the existing garage to remain.

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 requests special exception relief under § 223 from the requirements of §404.1 Rear Yards.

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 new addition would likely not substantially affect the light and air available to neighboring properties more so than the existing addition. The proposed addition would be approximately 160 sf larger than the existing addition and is located where the existing deck is currently situated, atop the garage. Due to the large size of the lot and the siting of the home on the northeastern part of the lot, light and impacts to the north, south and west should be negligible. Light and air impacts to the neighbor to the east could minimally increase with the introduction of the expanded addition area where there is currently a deck. Several large trees along the eastern property boundary likely would not be impacted by the addition, but one tree may need protection.

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

The privacy of use and enjoyment of neighboring properties, specifically the neighbor to the east, should not likely be compromised, primarily because the expanded addition would not include windows facing the eastern neighbor. The Applicant worked with the eastern neighbor, located at 4343 Garfield Street, to relocate AC units proposed on top of the addition, as well as to redirect roof rainfall from the addition to an internal drainage system. The distance between the Applicant's property and properties to the north, south and west is great and thus their privacy of use and enjoyment should likely 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 proposed addition would be minimally visible from 44th Street, if at all; however it would be visible from Garfield Street. The style, materials of Hardiplank cement siding, azek trim boards and railing, window-type to match windows of the main residence, scale etc. is in keeping with the main residence and thus is consistent with the established character of the immediate area.

- (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 19.7% and with the addition would be 22% which is less than the permitted maximum of 30%.

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. The Applicant has been working with the neighbor to the east, 4343 Garfield Street, in order to address design concerns as well as drainage, landscaping and tree protection.

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

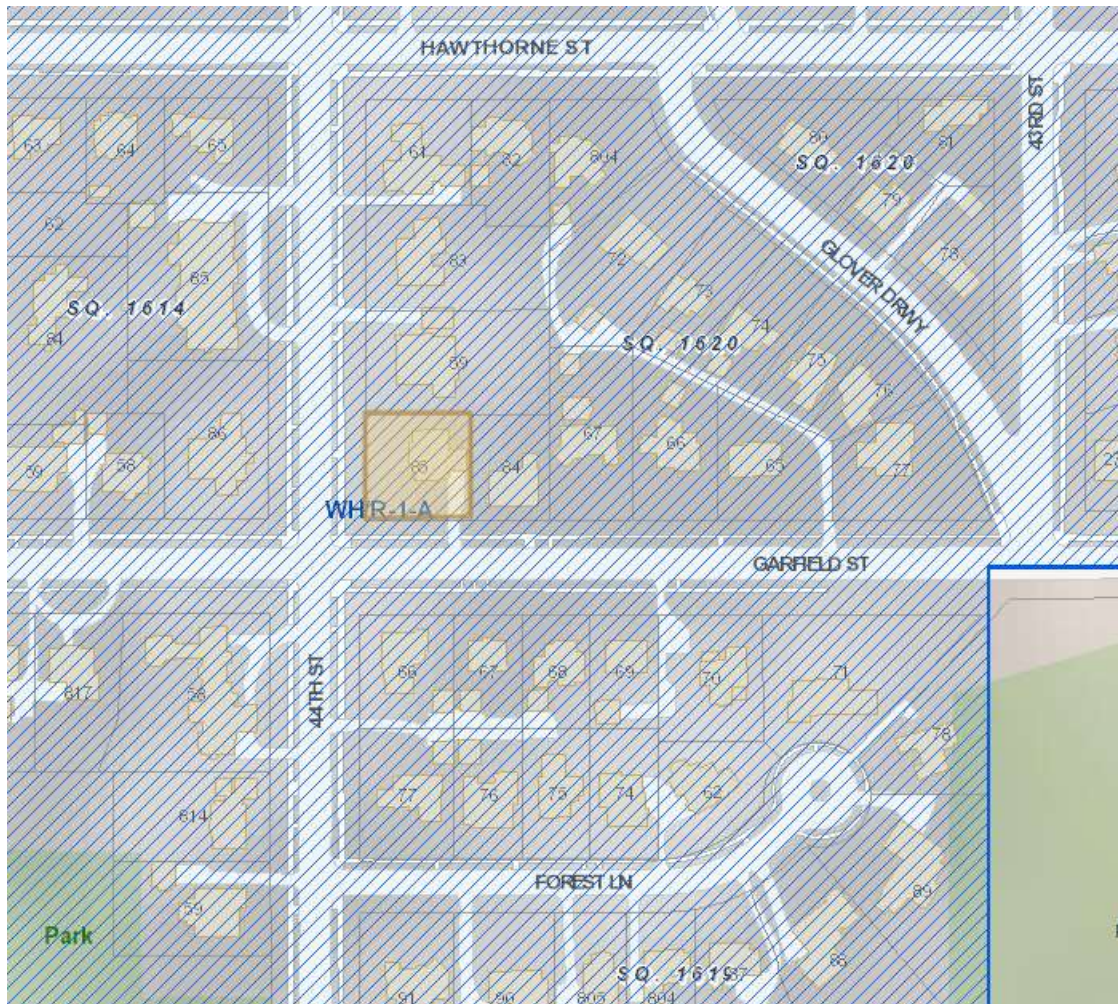
The existing use and proposed expansion is a one-family residence, which is a permitted use in the R-1-A/WH Overlay zone.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant provided a statement of support from the property owner located at 4400 Garfield Street and the Applicant has been working with the resident of 4343 Garfield Street regarding concerns with the request.

ANC 3D: The property is within ANC-3D. The Applicant intends to meet with the ANC 3D on April 1, 2015.

Attachment: Location Map



Location Map