

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 19, 2015

SUBJECT: BZA Case #18983 - Request pursuant to DCMR 11 §3104 /§223 for a special exception for an addition to an accessory structure located at 5236 Sherrier Place, NW

I. BACKGROUND

This request was originally filed on February 19, 2015 for the construction of a second principle dwelling, which required several variances (including a use variance) and special exceptions per a letter from DCRA dated February 2, 2015 citing the requisite relief (Exhibit 7). Because the Office of Planning indicated their lack of support for the Applicant's initial request, the Applicant postponed the originally-scheduled BZA hearing date of April 21, 2015. Over the next 6-8 months the Applicant engaged in discussions with the Office of Planning and DCRA in order to revise the request into its current form, which is a request for an enlargement of an existing accessory structure to be used solely for accessory uses of the main single family dwelling permitted on the Property per the R-1-B zone. Please note Exhibits 33 and 34 in the record do not reflect the most-recently revised drawings or letter from DCRA; the Applicant is requested to enter these documents into the record as soon as possible. One of the adjacent neighbors has file a party status request in opposition to the application.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **does not oppose** the following and special exception relief:

- §403 Lot occupancy (41 % existing; 40% required; 50% proposed); and
- §2001.3 Nonconforming Structures Devoted to Conforming Uses as the nonconforming lot occupancy will be furthered due to the enlargement of the existing accessory structure.

III. LOCATION AND SITE DESCRIPTION:

Address:	5236 Sherrier Place NW
Legal Description:	Square 1415 , Lot 85
Ward/ANC:	3/3D
Lot Characteristics:	The rectangular lot is 3,011 sf in area and has a frontage of 28.92 along Sherrier Place NW and a rear width of 26.92, along the Glen Echo Trolley Path.
Zoning:	R-1-B – one-family detached dwellings.
Existing Development:	One-family detached dwelling, permitted in this zone.

Historic District:	None
Adjacent Properties:	One-family detached structures, commercial uses two blocks northwest along MacArthur Blvd., and to the rear/southwest, abuts a small sliver of land owned by the District noted as the Glen Echo Trolley Path, and a large swath of Federally-owned land, which contains the Palisades Playground.

IV. PROJECT DESCRIPTION IN BRIEF

Applicant:	Carrie and Phong Trieu represented by Michael Alan Finn, Architect
Proposal:	The request is for the enlargement of an existing accessory structure at the rear of the lot to accommodate accessory uses of the principle dwelling.
Relief Sought:	§3104 Special Exception

V. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400 and §2500.4 (accessory structure height)	40 ft. max., 15' accessory structure	8'-6" accessory structure	15' proposed accessory structure	None required
Lot Width (ft.) § 401	50 ft. min.	26.95 ft.	26.95 ft.	Existing nonconformity; None required
Lot Area (sq.ft.) § 401	5,000 sf	3,011 sf	3,011 sf	Existing nonconformity ; None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	40% max., 50% by special exception	41%	50%	Relief Required
Rear Yard (ft.) § 404	25 ft. min.	Exceeds 25'	25.59'	None Required per §2500.2
Side Yard (ft.) § 405.9	8 ft. min.	.8' and 8' main residence; 0' and 4' for accessory structure	No change to main residence; 0' and 4' for accessory structure	None Required per DCRA

¹ Information provided by the Applicant.

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.

One-family dwellings are a permitted use in the R-1-B zone. Per § 223.1, additions to an accessory structure on the same lot as a one-family dwelling shall be permitted if it does not comply with all requirements, so long as approved by the BZA. Per DCRA, the Applicant requests special exception relief under § 223.1 from the requirements of §403.2 Lot Occupancy and § 2001.3 Nonconforming Structures Devoted to Conforming Uses due to furtherance of the nonconforming lot occupancy with the enlarged accessory structure.

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;

It appears the light and air available to neighboring properties would not be unduly affected due to the location of the enlarged accessory structure at the rear of the property, adjacent to a publically-accessible trail. The enlarged structure would also meet the permitted height limit of 15'. Please note the adjacent neighbor to the northwest has entered a request for party status in opposition. As such, there may be concerns with regard to light and air.

(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. There are low-scale fences between the Applicant's property and adjacent properties. The use of the enlarged accessory structure will essentially be an extension of the uses of the main structure for residents of the one-family detached structure. The proposed enlarged structure may incur more usage than the existing accessory structure, which appears to be an older structure that may need renovations.

(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 enlarged accessory structure would likely not substantially visually intrude upon the character, scale and pattern of houses along Sherrier Place. The addition will be visible from Sherrier Place through the side yards between the Applicant's home and adjacent residences of 5234 Sherrier Place to the southeast and 5238 Sherrier Place to the northwest. Due to the substantial horizontal separation of distance from Sherrier Place through the yards to the proposed enlarged structure, as well as the design and materials shown on the plans, the presence of the enlarged structure would have little impact on 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 site plans, plans, elevations, and photographs to demonstrate the relationship of the proposed deck to adjacent buildings and views from public ways. As of the writing of this report, the Applicant has not entered the most recent drawings into the record. OP recommends the Applicant submit the most recent plans and letter from DCRA as soon as possible.

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 41% and with the enlarged accessory structure, would be 50% which is more than the 40% maximum by right. Relief is requested by the Applicant.

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 enlargement 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.

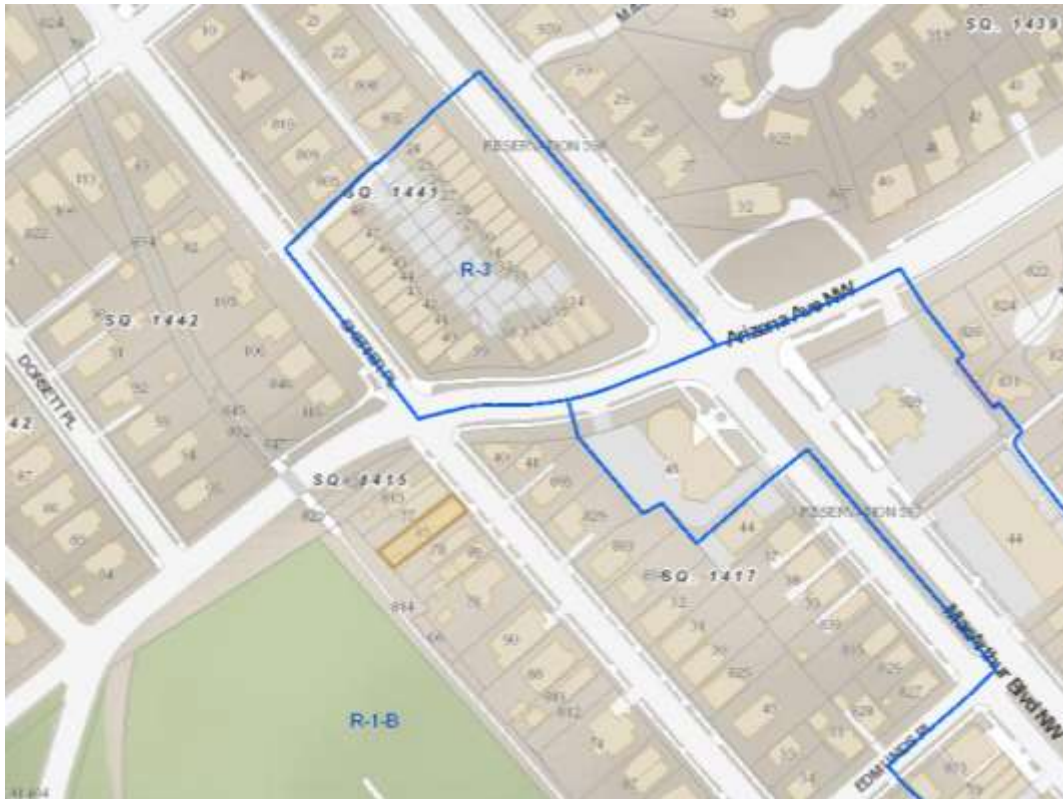
The existing residential use, including an accessory structure, is permitted in the R-1-B District. The proposed accessory structure addition/enlargement is an extension of the existing residential use and thus conforms to district use requirements.

VII. COMMUNITY COMMENTS

Adjacent neighbors: The adjacent neighbor to the southeast residing at 5234 Sherrier Place NW submitted a letter of support; however the adjacent neighbor located at 5238 Sherrier Place NW has entered a party status in opposition request. Other letters of support from residents residing within the Square and/or across Sherrier Place NW have been entered into the record (Exhibit 35).

Ward/ANC: The property is within ANC-3D. OP is aware that ANC-3D has voted to oppose the Applicant's request.

Attachment: Location Map



Location Map