

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: May 12, 2015
SUBJECT: BZA Case 19000, 5435 Sherier Place, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 404, Rear Yard (25 feet required; thirteen feet proposed).

OP **cannot recommend approval** of the following:

- § 2101, Off-Street Parking, (one off-street parking space required, none proposed).

The applicants also requested special exception relief from § 401, Minimum Lot Dimensions, for lot width and lot area, pursuant to § 223. The Zoning Administrator has determined this relief is not necessary because the lot predates the adoption of the Zoning Regulations in 1958. The applicants have not requested relief from § 2001.3, Enlargements or Additions to Nonconforming Structures; however, this relief appears to be required.

II. LOCATION AND SITE DESCRIPTION

Address	5435 Sherier Place, N.W.
Legal Description	Square 1444, Lot 833
Ward	3D
Lot Characteristics	Rectangular lot with rear alley access. Topography slopes gently from the north to the south.
Zoning	R-1-B: one-family detached dwellings
Existing Development	One-family detached dwelling constructed in 1950 with a rear detached one-car carport directly accessible from the public alley
Adjacent Properties	One-family detached dwellings. To the north, across the alley, is a lodge.
Surrounding Neighborhood Character	Low density residential adjacent to a small locally serving commercial district

III. APPLICATION IN BRIEF

The applicants propose to construct a one-story rear addition to their one-family detached dwelling and remove the existing enclosed rear porch, detached carport and parking pad to expand the dwelling and the landscaped area of the rear yard.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	40-foot max.	18.3 feet	18.3 feet	None required
Lot Width § 401	50-foot min.	48 feet	48 feet	Requested
Lot Area § 401	5,000 sq. ft. min.	4,212 sq. ft.	4,212 sq. ft.	Requested
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	39%	35.6%	None required
Rear Yard § 404	25-foot min.	19 feet	13 feet	Required
Side Yard § 405	8-foot min.	8.1 and 9 feet	8.1 and 9 feet	None required
Off-Street Parking § 2101	1 space	1 space	None	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2101, Off-Street Parking

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is currently improved with a carport directly accessible from the public alley at the rear of the property, proposed to be removed by the applicants to increase the size of the landscaped rear yard. The applicants have indicated that the practical difficulty is that the rear yard is small because the lot is smaller than required in the R-1-B district. However, despite the nonconforming size of the subject lot, it is larger than some of the adjoining lots and sufficient space exists within the rear yard to provide the one required off-street parking space, even with the construction of the proposed addition. Because the applicants are able to provide the one required parking space on-site there is no exceptional situation resulting in a practical difficulty.

ii. No Substantial Detriment to the Public Good

The median that runs down the center of Sherier Place ends in the vicinity of the subject property, with what amounts to “three-sided” parking on Sherier Place, as can be seen in the photograph on the next page where the subject property is located to the right. Therefore, elimination of one off-street parking space would not result in a detriment to the public good as a result of the unusual amount of on-street parking permitted on Sherier Place.



Source: Google Maps, July 2014

iii. No Substantial Harm to the Zoning Regulations

While the removal of one residential parking space would not have a significant impact, the applicants have not provided justification for the requested relief from the provisions of the Zoning Regulations, particularly since the lot has alley access.

b. Special Exception Relief pursuant to § 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 detached dwellings are a permitted use in this zone. The applicants are requesting special exception relief under § 223 from the requirements of § 404, Rear 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 building addition would be one-story in height and replace an existing one-story enclosed porch and detached enclosed carport, resulting in an overall decrease in lot occupancy.

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

The proposed one-story addition would provide the minimum required side yards, providing adequate separation from the adjacent properties on either side. Although the rear yard would be less than that required in the R-1-B district, the addition would be at a lower elevation than the property directly across the public alley due to sloping topography, minimizing visibility.

- (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 visible from the public alley, but would be one-story in height, equal to or less than the height of surrounding structures, which include two and three-story buildings.

- (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 plans, photographs and elevation drawings sufficient to represent the proposed building addition.

- 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 of 35.6 percent is less than the maximum of forty percent permitted as a matter-of-right in the R-1.

- 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.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated April 24, 2015, did not comment on the variance request, but had no objection to the requested special exception request.

VII. COMMUNITY COMMENTS

No comments were received from ANC 3D.

Fourteen letters in support were submitted to the file, including the adjacent neighbors on both sides of the subject property, those across the public alley and those across Sherier Place.

Attachment: Location Map

