

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
 Joel Lawson, Associate Director for Development Review

DATE: June 16, 2015

SUBJECT: BZA Case 19015 – 329 36th Street. N.E.

I. RECOMMENDATION

This report is based on the applicant's revised plans filed June 8, 2015.

The Office of Planning (OP) recommends **approval** of the following expedited special exception relief pursuant to § 223 for an application to replace and enlarge an addition to a single family row house:

- § 404.1, Rear Yard (20 ft. required, 16 ft. provided).

The existing lot is also non-conforming for lot area and lot width. The application also appears to require relief from:

- § 2001.3, Additions to non-conforming structures on non-conforming lot (Existing: building with non-conforming open courts on a non-conforming lot; Proposed: building with conforming courts and non-conforming rear yard on a non-conforming lot).

OP would not object to the approval of this relief.

II. LOCATION AND SITE DESCRIPTION

Address	3926 36 th Street, NE
Legal Description	Square 5021, Lot 0008
Ward and ANC	7, 7-D
Lot Characteristics	Flat, rectangular 16' x 80') interior lot with alley access –
Zoning	R-3– Single family detached, semi-detached and rowhouse units
Existing Development	Two-story single family rowhouse
Historic District	none
Adjacent Properties	Single family rowhouses with similar one-story rear additions
Neighborhood Character	Single family residential.

III. PROJECT IN BRIEF

Applicant	Richard H. Broxton
Proposal	Remove one-story rear addition with non-conforming open courts on either side and replace with larger two-story addition occupying full lot width.
Requested Relief	§223 - Additions to a One-Family Dwellings or Flats



Figure 1. Location, with Anacostia River to West and Kenilworth Freeway to East.



Figure 2. Site Plan with Existing and Proposed Addition

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400.1	40 feet max., 3 story limit	2 stories 2 stories	SAME	None required
Lot Width (ft.) § 401.3	20 feet	16 feet	SAME	Existing non-conformity
Lot Area § 401.3	2000 SF	1280 sq. ft.	SAME	Existing non-conformity
FAR§ 402	None prescribed	None prescribed	None prescribed	None required
Lot Occ. § 403.2	60 % by-right. 70% by S.E.	52 % (660 sf)	59 % (760 sf)	None required
Rear Yard (ft.) § 404.1	20 ft.	21'6" ft.	16 ft.	Sec. 223 Spec. Exception for 4 ft. requested
Side Yard (ft.) § 405.1	If provided, 8 ft. min. (row house)	none	Same	None required
Open Court (SF) § 406.1	If provided, at least 6 ft. wide	5 ½" north 5" south	None	None Required

V. 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.*

The applicant proposes to remove a one-story addition and replace it with a larger two-story addition that would be 8 feet deeper and that would reduce the rear yard from a conforming 22 feet to a non-conforming 16 feet. The application requests special exception relief under § 223 from the requirements of § 404.1, Rear Yard. Relief would also be required from § 2001.3.

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;

Light and air available to neighboring properties should not be unduly affected. The proposed addition is 5'6" deeper and one story higher than the one-story addition that would be demolished. The additional depth and height would not likely have a substantial impact on the light available to neighboring properties, each of which have an existing one-story addition the same size as the applicant's existing addition. The flow of air to neighboring properties would not be impacted.

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

The addition should not unduly impact the privacy of neighboring properties. The proposed addition would have no windows on either floor facing north or south onto adjacent properties. The number of windows facing east into the back yard would be reduced from the number of windows currently facing that direction, and the resulting narrower view angle into adjacent properties would afford more, not less, privacy to adjacent properties.

(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 construction of the addition would not be visible from 36th Street. The rear of the building faces an alley and open land between that alley and the Kenilworth Freeway. The addition would likely improve the appearance of the rear of the applicant's property.

(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 submitted elevations, floor plans and photographs that illustrate the proposed addition and its surroundings.

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.

With the proposed addition the lot occupancy would be 59%.

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 recommends no special treatments or conditions.

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

The applicant does not propose to introduce a nonconforming use.

VI. HISTORIC PRESERVATION

The subject site is not designated historic, nor is it located in an historic district.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

The applicant's filing states that there will be a meeting with ANC 7D. At the time OP completed this report there were no ANC or public comments in the case file.