

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: June 30, 2015

SUBJECT: BZA Case 19033 – 3348 Military Road, N.W.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223 for a self-certified application to construct a one-story kitchen addition to a detached single family house:

- § 404.1, Rear Yard (25 ft. required, 4 ft. existing, 3 ft.4 inches provided)

The existing lot is also non-conforming for lot area, existing rear yard and an open court. 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 court and rear yard on a non-conforming lot; Proposed: building with 1.66 foot extension to non-conforming open court, and a new rear yard non-conformity)
- § 405.1, Side Yard (8 ft. required, 11.5 ft. existing, 5.5 ft. provided)

OP would not object to the approval of this relief.

OP further recommends that the glazing in the proposed addition's easternmost window be translucent, as shown in the submission, to minimize potential privacy impacts.

II. LOCATION AND SITE DESCRIPTION

Address	3348 Military Road, NW
Legal Description	Square 1991, Lot 35
Ward and ANC	3, 3-G
Lot Characteristics	Irregular corner lot without alley access; steeply sloping at rear and with a 15 foot building restriction line on two exterior sides of lot.
Zoning	R-1-B– Single family detached, semi-detached and rowhouse units
Existing Development	Two-story single family detached

Historic District	none
Adjacent Properties	Single family rowhouses with similar one-story rear additions
Neighborhood Character	Single family residential.

III. PROJECT IN BRIEF

Applicant	Martin Block
Proposal	Add a one story 14 foot by 6 foot addition, with bay window, to existing kitchen.
Requested Relief	§223 - Additions to a One-Family Dwellings or Flats §404.1 – Rear Yard



Figure 1. Location at SE corner of Military Road, NW and Nevada Avenue, NW.

IV. ZONING REQUIREMENTS

R-1-B 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	50 feet	96 feet	SAME	None required
Lot Area § 401.3	5000 SF	4253 sq. ft.	SAME	Existing non-conformity
FAR§ 402	None prescribed	None prescribed	None prescribed	None required

R-1-B Zone	Regulation	Existing	Proposed	Relief
Lot Occ. § 403.2	40 % by-right. 70% by S.E.	23.9 % (1020 sf)	32 % (1135 sf)	None required,
Rear Yard (ft.) § 404.1	25 ft.	4 ft.	3'4"	Sec. 223 SE for 22' 8" requested
Side Yard (ft.) § 405.1	8 foot min. (detached)	Approx. 11.5 ft. from edge of existing bay.	5.5 ft. from edge of proposed bay	2.5 ft. Sec. 223 SE required, not requested
Open Court (SF) 406.1	At least 6 ft. wide	4.34 ft.	4.34 ft. with non-conforming open court extended	Sec. 223 SE for 1.66 ft. extension of non-conformity required, not requested

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 add a one-story addition that would reduce the depth of the existing non-conforming rear yard, extend an existing non-conforming open court and establish a new non-conformity for the side yard. The application requests special exception relief under § 223 from the requirements of § 404.1, Rear Yard. Relief would also be required from § 2001.3, and § 405.1.

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 are not likely to be unduly affected. While the addition would be within 5.5 feet of the eastern property line and 3.4 feet of a portion of the rear property line, the additional depth would not likely have a substantial impact on the light available to neighboring properties, which are also single family detached houses removed from property lines. 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 applicant's property already has two windows facing the property to the south. The new window directly facing the back yard is shown as having translucent glass in the 3-D illustration, and is recommended for such by OP. The other window on the south side would be narrow and on an angle not directly facing the adjacent property. To the east, the applicant's property already has a bay window facing the neighboring property's glassed-in side porch addition. The proposed addition would have no new windows facing directly east and only a narrow window set at-angle to the eastern property. On the interior a continuous three-foot deep counter top would limit the potential for angled views from new windows.

- (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 Military Road, but its design and size would not substantially intrude on neighborhood. The design replicates the aesthetic and materials of the bay now existing on the house's eastern side. The addition would be modest in size and similar to other existing additions in the neighborhood.

- (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.*

The applicant states that with the proposed addition the lot occupancy would be 32%.

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.*

The westernmost window on the south side of the addition would be directly in front of the kitchen's principal cooking surface and facing the southern neighbor's back yard from an elevation higher than that yard, due to the lot's slope. OP recommends that, to protect privacy, this window be glazed with translucent glass, as shown on the rendering in the application.

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 states that he was scheduled to meet with ANC 3G on April 27, 2015. At the time OP completed this report there was not a filing from the ANC. The only public comment was one letter of support for the application from a nearby, but not adjacent, neighbor. .