

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: July 14, 2015

SUBJECT: BZA Case 19046 – 1511 28th Street, S.E.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following retroactive special exception relief pursuant to § 223 for the already-completed construction of a one-story addition to a non-conforming single family house:

- § 405.1, Side Yard (8 feet required; 2.5 feet provided on north side)
- § 2001.3, Additions to non-conforming structures (Existing and Proposed: Addition to existing building with non-conforming side yard.)

The application also appears to require relief from:

- § 405.1, Side Yard [8 feet required; approximately 6 inches to 1 foot provided on south side (clarification of dimension has been requested of the applicant)].

OP would not object to the approval of this relief.

II. LOCATION AND SITE DESCRIPTION

Address	1511 28 th Street, S.E.
Legal Description	Square 5581, Lot 27
Ward and ANC	7. 7B

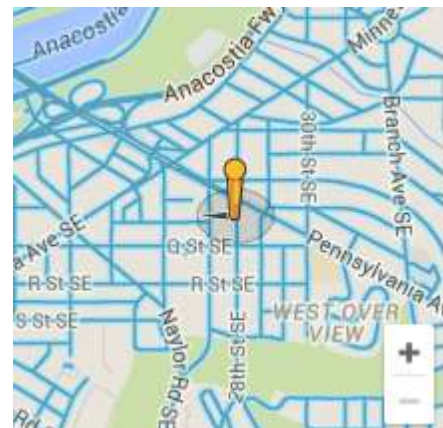


Figure 1. Location

Lot Characteristics	25' x 117' interior lot abutting unimproved alley. The lot is occupied by a detached house that has an already-constructed second story addition to a property not previously or currently conforming to side yard requirements. The lot's elevation changes from the front, which has two stories, to the rear of the house, which has an above-ground cellar in the rear.
Zoning	R-3-- Single family detached and semi-detached houses
Existing Development	Two-story semi-detached single family house
Historic District	none
Adjacent Properties	<u>South</u> : One-story single family detached. <u>North</u> : Two story single-family detached.
Neighborhood Character	Single family residential, detached and semi-detached houses of one and two stories.

III. PROJECT IN BRIEF

Applicant	Kamyar Khodabandeh
Proposal	Retroactive request for approval of a one story addition to the house, with the same dimensions as the first floor (not including the previously existing first floor bay window)
Requested Relief	§223 - Additions to a One-Family Dwellings or Flats §405.1 -- Side Yard for north side § 2001.3 -- Addition to non-conforming property
Additional Relief Required	§405.1 -- Side Yard for south side

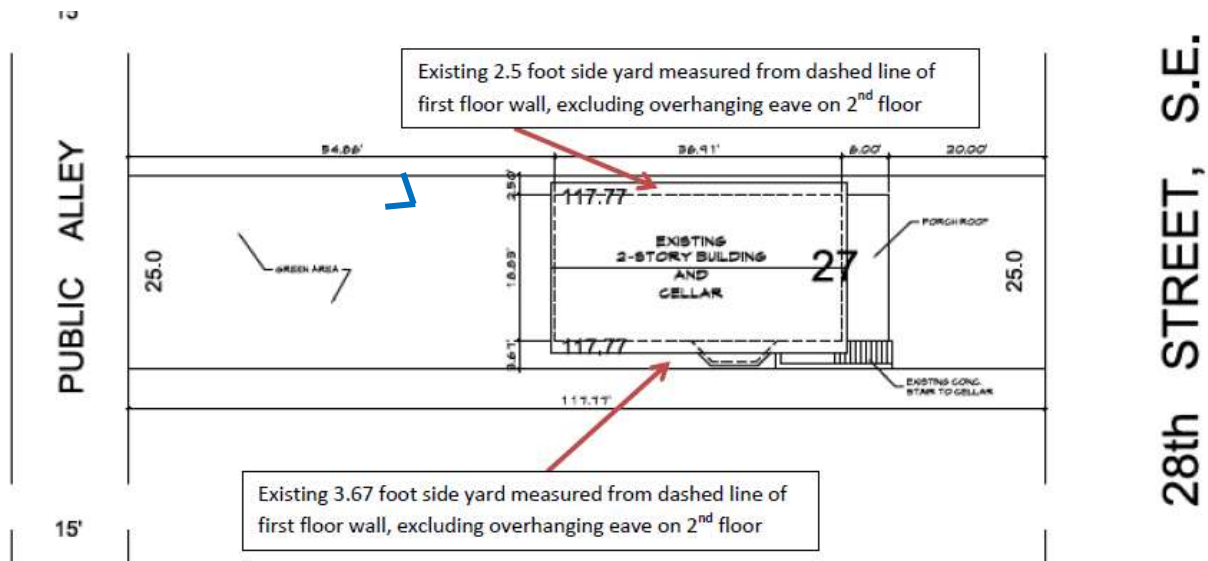


Figure 2. Site Plan. Because the southern side yard should be measured from the farthest extension of the bay, that side yard dimension is significantly less than indicated by the applicant. OP has requested additional information from the applicant.

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400.1	40 feet max., 3 story limit	20 feet 2 stories	SAME	None required
Lot Width (ft.) § 401.3	18 feet	25 feet	SAME	None required
Lot Area § 401.3	1800 SF	2944.25 sq. ft.	SAME	None required
FAR§ 402	None prescribed	None prescribed	None prescribed	None required
Lot Occ. § 403.2	40 % by-right. 50% by S.E.	31 % (app.) 36.45% (OP)	SAME	None required
Rear Yard (ft.) § 404.1	20 ft.	54 ft.	SAME	None required
Side Yard (ft.) § 405.1 North Side and South Side	8 foot min. (detached)	2.5', north Undetermined but < 1 foot south	SAME	5.5' §. 223 SE and § Sec. 2001.3 requested Undetermined amount of relief needed for south side

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 requests retroactive approval of a one-story addition to a non-conforming structure. The application requests special exception relief under § 223 from the requirements of § 405.1, Side Yard for the north side of the property and from § 2001.3 for an addition to a non-conforming structure. Relief would also be required from § 405.1 for the southern side 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 addition has not reduced the separation between the applicant's property and the adjacent detached houses, each of which has a more substantial side yard than the applicant's. Light and air available to neighboring properties are not likely to be unduly affected.

(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 property already had windows and a Juliet balcony facing into its rear yard and the second story added two additional windows, also facing the rear yard. There are no windows on the north side of the addition and the two windows on the south side face the windowless roof of the one-story house to the south.

(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 addition is visible from 28th Street, SE, and from the unimproved public alley at the rear of the property, but its design and size does not substantially intrude on the neighborhood. The house remains modest in scale and consistent with the context of nearby one and two story houses.

(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 addition and its surroundings. Additional graphical materials is needed to clarify the width of the side yard on the south side of the house.

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 31%. OP calculates the lot occupancy as closer to 36.5%; still well-within the range permitted by § 223,

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 any 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

The District Department of Transportation has no objections to the requested relief. OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

There were no comments from ANC 7B, adjacent property owners, or members in the public at the time OP completed this report.