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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director Development Review
DATE: October 20, 2015

SUBJECT: BZA Case 19097 - special exception relief under § 223 for relief from the lot occupancy requirements of § 403 to construct an addition to an existing semi-detached dwelling at 1629 29th, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Lot Occupancy (40% allowed by-right, 70% allowed as special exception, 37% existing, 43 8% proposed).

II. LOCATION AND SITE DESCRIPTION:

Address	1629 29th, N.W
Legal Description:	Square 1283, Lot 806
Ward, ANC	2, 2E
Lot Characteristics	The 2,888 square foot rectangular lot is non-conforming for lot area. It is 27.5 feet wide, 105 feet deep and abuts a 25 foot wide alley in the rear. The lot is approximately level with the property to the south, and is approximately 3 feet lower than the lot to the north.
Zoning:	R-3 – Row dwellings, semi-detached dwellings, and detached dwellings.
Existing Building:	Three-story semi-detached dwelling, which is permitted in this zone.
Historic District:	Old Georgetown
Adjacent and Nearby Properties	The south adjacent property, which shares a party wall and common grade level with the applicant's property, was built as the mirror image of the applicant's house, and has had a one story addition added in the rear. The property to the north is occupied by a freestanding three-story plus basement single family house. The historic residential neighborhood has a mix of row dwellings, detached and semi-detached houses, and apartment buildings.

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to construct a 204 square foot (SF), one-story family-room addition at the rear of the existing kitchen. It would be 17.9 feet wide, 12 feet deep and 14 feet 8 inches tall. The addition would increase the lot occupancy from 37% to 43.8% (where 70% is permitted as a special exception) and decrease the rear yard from 37 feet to 25 feet (where at least 20 feet is conforming)

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft) § 400	40 ft. max. 3 stories	38 feet 3 stories	Unchanged	None required
Lot Width (ft.) § 401	20 ft. min.	27.5 ft.	Unchanged.	None required
Lot Area (SF) § 401	3000 sq ft min	2,888 sq ft	Unchanged	Existing non-conformity
Floor Area Ratio §401	None prescribed	--	--	None required
Lot Occupancy § 403.2	40% max. by- right; 70% by S.E.	37%	43.8%	Special Exception Requested
Rear Yard (ft.) § 404	20 ft min	37 ft	25 ft	None required
Side Yard (ft.) § 405	8 ft. min.	5' 7 7/16"	Unchanged	Existing non-conformity

V. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS 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

Semi-detached dwellings and row dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of §403.2, Lot Occupancy.

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,

The proposed addition should not affect the light and air available to neighboring properties. The addition would be one story high, and would occupy 204 square feet. To the top of the addition's roof, it would rise 14' 8" above the grade of the applicant's rear yard.

¹ Information provided by applicant.

The applicant's property is to the north of the house at 1626 29th Street, with which it shares a party wall and a common grade. The proposed one-story addition would be six feet deeper than the existing one-story addition to 1626 29th Street. Half of the addition would share a party wall with 1626 29th Street and the other half would have no windows on its south side. It would not likely have a substantial impact on the light or air available to the adjoining semi-detached house to the south.

The ground level at the rear of the applicant's property is approximately three feet lower than that of the north-adjacent property at 1628 29th Street. The addition would be 11' 8" higher than the grade of 1628's rear yard, but, by the information in the application, only 5' 8" higher than the wall and fence now separating the two properties. The proposed addition would be 9' 10" removed from the property line and approximately 18' 11 5/16" from the 2 story addition on the rear of the north-adjacent property. It would not likely have a substantial impact on the light or air available to the detached house to the north.

(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.

- The proposed addition has no south-facing windows.
- While there would be a north-facing window, the drawings supplied by the applicant indicate that, due to the three foot higher grade of the property to the north, only the window's lintel and the addition's hip roof would be visible above the existing nine-foot high brick wall and fence between 1626 and 1628 29th Street. There would be no line of sight into the first floor of the northern neighbor and only an oblique line of sight from approximately 10 feet below and almost 19 feet south of 1628's second floor windows. Neither the height nor the bulk of the proposed addition would likely have a substantial impact on the property to the north.
- There is no structure to the rear of the proposed addition. The nearest building is on the west side of 30th Street.

(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 would not visually intrude upon the character, scale and pattern of houses along the street frontage. It would not be visible from the any street and would be set back 25 feet from the alley at the rear. There are also large trees in the rear yard of the property to the west.

(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 this information.

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 all new and existing structures on the lot would be 43.8%, which is less than the 70% permitted as a special exception.

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

Given the concerns expressed by the owner of 1628 29th Street, the Board may wish to require the applicant to submit a landscaping plan that includes the planting of screening trees, such as poplars, to the north of the proposed addition to provide additional visual separation between 1626 and 1628 29th Street

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

The proposed use is a semi-detached single family dwelling, which is permitted in this District.

VI. OTHER GOVERNMENT AGENCY COMMENTS

The property is in the Old Georgetown historic district and the Old Georgetown Board has approved the project's design.

The District Department of Transportation has submitted its finding of no objection to the project

VII. COMMUNITY COMMENTS

ANC 2E has filed a copy of a resolution regarding the application stating that it has no objection to the proposed addition. The Single Member District Commissioner for ANC 2E07 has filed an explanation detailing why the ANC did take a formal vote on the application.

The south-adjacent property owner has filed a letter in support of the application

The north-adjacent property owner filed a letter noting several objections to the application