

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Maxine Brown-Roberts, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** January 5, 2015

**SUBJECT:** BZA Case 19125 - Special Exception relief under § 223 to construct an addition to an existing single-family dwelling at 3008 Ordway Street, NW.

### **I. PROPOSAL AND OFFICE OF PLANNING RECOMMENDATION**

As per the Zoning Administrators referral letter, Sanford Roskes requested special exception review pursuant to § 3104, § 223 and § 2001.3 for extending a nonconforming five-foot side yard and creating an open court that does not conform to the nine-foot requirement. In addition, special exception review pursuant to § 3104, § 412.7 and § 412.3 is also required for the partial reduction of the pervious surface requirement. The requested special exceptions would facilitate the construction of a one-story rear addition to an existing single-family dwelling at 3008 Ordway Street, NW.

Subsequent to the submission, the application and plans were reviewed by the Historic Preservation Office (HPO) and the Historic Preservation Review Board (HPRB) which granted approval with final approval delegated to HPO Staff.

- (A) Special exception pursuant to § 223:
- § 406.1, Open court (9 ft. minimum required, 5 ft. proposed) and
  - § 2001.3, Extending a nonconforming side yard and creating a new nonconforming court.
- (B) Special exception review pursuant to § 3104, § 412.7 and § 412.3:
- § 412.7, Pervious Surface (50% min. required, 36% existing, 37% provided).

### **II. LOCATION AND SITE DESCRIPTION**

|                    |                        |
|--------------------|------------------------|
| Address:           | 3008 Ordway Street, NW |
| Legal Description: | Square 2071, Lot 7     |
| Ward/ANC:          | 3/3C                   |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Characteristics:  | Generally rectangular lot bounded by Ordway Street, NW to the north, an improved fifteen foot (15 ft.) public alley to the south, and lots improved with a single family detached dwelling to the west and a single family semi-detached dwelling to the east. The topography across the property rises upwards from Ordway Street up to the front of the house, levels pf and then the rear rises steeply up towards the rear alley. |
| Zoning:               | R-1-B – detached and semi-detached, single-family dwellings.                                                                                                                                                                                                                                                                                                                                                                          |
| Historic District:    | Cleveland Park                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Existing Development: | Single family, semi-detached                                                                                                                                                                                                                                                                                                                                                                                                          |
| Adjacent Properties:  | Predominantly semi-detached and single-family detached dwellings.                                                                                                                                                                                                                                                                                                                                                                     |
| Lot                   | The property is developed with a semi-detached single family detached house. The original two-story house was constructed in 1900 and subsequently a two-story and a one-story addition were added to the rear of the building.                                                                                                                                                                                                       |

See Attachment 1 for Site Location and Site Plan.

### III. APPLICATION

The proposal is to construct a one story addition to the rear of the building.

### IV. ZONING REQUIREMENTS

| <b>R-1-B Zone</b>  | <b>Regulation</b>  | <b>Existing</b>    | <b>Proposed <sup>1</sup></b> | <b>SE Review</b>                 |
|--------------------|--------------------|--------------------|------------------------------|----------------------------------|
| Height (ft.)       | 30 ft.             | 28.33 ft.          | 28.33 ft.                    | No                               |
| Lot Width (ft.)    | 50 ft. min.        | 25 ft.             | No Change                    | Existing Nonconformity           |
| Lot Area (sq. ft.) | 5,000 sq. ft. min. | 3,125 sq. ft.      | No Change                    | Existing Nonconformity           |
| Lot Occupancy      | 40% max.           | 29%                | 37%                          | No                               |
| Rear Yard (ft.)    | 25 ft. min.        | 25 ft.             | 25 ft.                       | No                               |
| Side Yard (ft.)    | 8 ft. min.         | 5 ft. and 6.9 feet | 5 ft.                        | Extend an existing nonconformity |
| Open Court (ft.)   | 9 ft. wide min.    | 0 ft.              | 5 ft.                        | Yes                              |
| Pervious Surface   | 50% minimum        | 36%                | 37%                          | Yes                              |

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<sup>1</sup> Information provided by Applicant.

(A) Special Exception, § 223:

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 subject property is a single single-family dwelling. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 401, 406 and 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;*

The proposed addition would measure 15 feet in depth and 15.3 feet (15.3 ft.) in width and would be one story. The addition would be separated from the adjacent property by a 5 foot wide court on the east side as well a 5-foot side yard on the west side. In addition, the building properties are separated by a 6-foot high board-on-board fence. Therefore, the proposed addition should not negatively impact the light and air available to the adjoining properties.

(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 one-story addition would have no openings on the east side and, with the fence and court on both sides of the fence, direct views into the neighbor's property would be minimized. On the west side of the addition, there are windows but the height of the addition, side yards on both properties and the fence would minimize any impact on the neighbors use and enjoyment of their rear yard.

(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 be visible from Ordway Street. The Applicant is proposing to use stucco with metal shed roof and one-over-one double hung windows on the west elevation and full light doors on the south elevation. The garage and distance from the alley to the addition should minimize the visual impact of the proposed addition. Due to the topography and the fence along the rear of the property the addition would not be visible from the alley. Therefore, the proposed addition would not visually intrude upon the character, scale and pattern of houses along the public alley.

- (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 provided sufficient information, including plans, photographs, and elevations, to demonstrate compliance with paragraphs (a), (b) and (c) of this subsection.

*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 addition, the lot occupancy would increase from 29% to 37% which is below the 40% allowed as a matter-of-right or 50% under § 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.*

No special treatment is recommended. However, HPO Staff is reviewing the building materials.

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

The single family residential use is a conforming use and would be continued on the property

(B) Pervious Surface, § 412

§ 412.3 requires 50% pervious surface for structures within the R-1-B zone. However, § 412.1 and § 412.2 address historic resources as follows:

*412.1 The minimum pervious surface percentage requirement stated below shall be applicable only in conjunction with the following:*

...

- (d) *An addition to a historic resource that increases the existing lot occupancy at the time of building permit application by twenty-five percent (25%) or more.*

*412.2 For the purposes of § 412.1 a historic resource is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.*

The addition would increase the lot occupancy from 29% to 37% an increase which is greater than the 25% of the existing lot occupancy. As such, the pervious surface requirement of 50% minimum applies. However, special exception relief from the requirement may be requested pursuant to § 412.7.

*412.7 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the minimum pervious surface requirement required by this section if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that complying with the minimum pervious surface requirement is impractical because of size of lot, or other conditions relating to the lot or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, or as a result of equivalent measures being implemented on the property that provide the same minimum pervious surface amount.*

The property currently does not meet the pervious surface requirement. The proposed addition would be constructed over an existing paved area and therefore, there is no further reduction in the previous surface area. To increase the pervious surface area would require the removal of stairs which are required to access the rear of the property as well as having a smaller addition which would not meet the needs of the family.

The small decrease in pervious surface would be in harmony with the general purpose and intent of the Zoning Regulations as it allows the addition but would still preserves open space on the property. As demonstrated in the § 223 analysis above, the addition would not adversely impact the use and enjoyment of the adjacent properties.

The property is within the Cleveland Park Historic District which is on the National Register of Historic Places. The subject property is within a square whose buildings have been contributing building to the historic district (Attachment 2). As such, the addition has been reviewed by HPRB and recommended approval of the concept and delegated final approval to staff with the condition the applicant continues to refine the design so as to be more in keeping with the character of the historic district.

## **V. COMMUNITY COMMENTS**

The property is within ANC-3C. On December 15, 2015 the ANC voted to recommend approval of the application.



Attachment 1



Site Location



Site Plan



Attachment 2

|                                                                           |  |                                                     |  |
|---------------------------------------------------------------------------|--|-----------------------------------------------------|--|
| NPS Form 10-900-a<br>(9-88)                                               |  | OMB Approval No. 1024-0018                          |  |
| <b>United States Department of the Interior<br/>National Park Service</b> |  |                                                     |  |
| <b>National Register of Historic Places<br/>Continuation Sheet</b>        |  |                                                     |  |
|                                                                           |  | CLEVELAND PARK HISTORIC DISTRICT<br>WASHINGTON D.C. |  |
| Section number <u>10</u>                                                  |  | Page <u>4</u>                                       |  |

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The Cleveland Park Historic District includes all of the following squares and their inclusive lots; exceptions are clearly indicated.

|      |                                |
|------|--------------------------------|
| 1911 | 1921 - (except lots 26 & 27)   |
| 1918 | 1919 - (except lots 823 & 35)  |
| 1912 | 1908 - (except lots 808 & 809) |
| 1914 | 1922                           |
| 1909 | 2065                           |
| 1949 | 2064                           |
| 1952 | 2063                           |
| 1953 | 2091                           |
| 1954 | 2088                           |
| 1956 | 2079                           |
| 1957 | 2075                           |
| 1958 | 2074                           |
| 2068 | 2072                           |
| 2090 | 2067                           |
| 2089 | 2061                           |
| 2077 | 2062                           |
| 2059 | 2078                           |
| 2060 | 2076                           |
| 2087 | 2066                           |
| 2084 | 2058                           |
| 2082 | 2073                           |
| 2069 | 2071                           |
| 2070 | 1913                           |
| 2219 | 2215                           |

2216 - including only lot 804  
2226 - including only lot 800  
2222 - including only lots 805, 806, & 807  
2218 - including only lots 818, 822, 802, 1, 2, 3, 4, 5, 6, 32,  
9, 10, 11, 12, 13, 14, 15, 31, 23, 22, 21, 25, 821, 819, 820  
1959 - including only lots 858, 855, 14, 813, 13, 10, 9, 803, 7,  
847, 849, 5, 4, 826, 860, 815, 804, 859

\*The property is within Square 2071.