GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: December 18, 2001

SUBJECT: BZA Application No. 16812 (Request for a Special Exception to Allow an Addition to a Single-Family Residence not Meeting Rear Yard Requirements)

APPLICATION

Application of Jeremy Rifkin and Carol Grunewald, pursuant to 11 DCMR Section 3104.1 for a special exception to allow an addition to a single family dwelling under Section 223, not meeting the rear yard requirements (Section 404) in a R-1-B District at premises 5305 28th Street, N.W. (Square 2292, Lot 2)

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of this special extension to allow an addition to the rear of a single-family residence, in accordance with the provisions of Section 223.

BACKGROUND

This application involves a request for a small addition on the rear of a single-family dwelling. It is the type of addition that Section 223 of the Zoning Regulations is intended to address. The Zoning Commission adopted section 223 on February 23, 1998, in Z.C. Order No. 840 (Z.C. Case No. 97-2/94-6), to provide a remedy for applicants who wished to make reasonable additions to their homes but who could not meet the strict requirements for an area variance. Last year, the Zoning Commission amended Section 223 to extend special exception relief to homeowners with nonconforming structures, who otherwise would have to seek a variance from the provisions of 2001.3 for their proposed additions (Zoning Commission Case No. 01-10TA, adopted by the Zoning

BZA Case No. 16812 Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO.16812
EXHIBIT NO.21

Commission on July 12, 2001, effective on publication in the D.C Register on September 28, 2001. Section 223 reads as follows:

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-l)

223.1 An addition to a one-family dwelling or flat, in those districts where a flat is permitted, that does not comply with all of the applicable area requirements of §§401, 403, 404, 405, 406, and 2001.3 shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3104 of Chapter 31 of this title, subject to the provisions of this section.

223.2 The addition 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;

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

(c) The addition, 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 street frontage; and

(d) In demonstrating compliance with ¶¶(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 to adjacent buildings and view from public ways.

223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-l and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.

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.

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

In this case, the application does not comply with Section 404, "Rear Yards".

SITE AND AREA DESCRIPTION

This application is for a rear addition to a single-family detached dwelling at 5305 28th Street, N.W. (Square 2292, Lot 2). This property is within a small residential enclave of several blocks along 28th and 29th streets, N.W., south of Military Road. Most of the houses to the east of 5305 28th Street front on 27th Street, a street that follows the western edge of Rock Creek Park in this area. A small finger of Rock Creek Park also extends south of this residential area. This entire area west of Rock Creek Park is indicated on the Comprehensive Plan Generalized Land Use Map as low density residential. The area is zoned R-1-B.

The single-family dwelling that is the subject of this application is on a relatively large lot, 9,500 square feet, at the northeast corner of 28th and Jennifer streets, N.W. The front of the lot has a western frontage on 28th Street (95 feet), a southern side frontage on Jennifer Street (100 feet) and an eastern rear frontage (95 feet) on a 15-foot wide alley.

The house was built in 1929. The existing rear of the house is about 22 feet from the rear property line. This portion of 28th Street slopes down from north to south and Lot 2

slopes from north to south. The house sits on the northern, higher portion of the lot, so the first floor is about 13 feet above the grade of Jennifer Street.

APPLICANT'S PROPOSAL

The present owners purchased the house in 1992. In a December 8, 2001 letter to the BZA, the owners outlined a number of improvements they have made to the house. The owners now want to restructure and improve the rear portion of the house, and to extend the house into the rear yard an additional four feet. At present, the rear portion of the house is quite narrow, less than eight feet (of which about three feet extends beyond the rear yard setback). This section includes a powder room and mudroom on the first floor and an enclosed sleeping porch on the second floor. These rear rooms are enclosed in what the owners describe as "an ugly, dilapidated stucco construction."

The owners propose to expand the rear portion of the house by new construction that will extend four feet to the east (to the rear) of the existing structure, 5.66 feet to the south and 5.0 feet to the north. The extension to the east means that the rear yard, now 21 feet and 10 inches, will be 17 feet and 10 inches (25 feet required). The extension to the north retains the existing eight-foot side yard as required in the R-1-B District. The extension to the south is less than the main portion of the house. The only zoning question is the additional extension of the rear of the house by an additional four feet into the rear yard.

As the plans indicate, and as the owners' December 8 letter describes, the new construction will allow creation of an "attractive and functional bedroom on the second floor and allow for a workable kitchen and powder room on the first floor." The owners have submitted photographs of the existing conditions. They have also shown the plans to the neighbors and have submitted a signed statement from 15 of the neighbors that they do not object to the request to reduce the rear yard to 18 feet.

ANALYSIS

The Office of Planning has reviewed the plans and visited the site in order to evaluate the requirements outlined in Section 223. These are discussed below.

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-l)

223.1 An addition to a one-family dwelling or flat, in those districts where a flat is permitted, that does not comply with all of the applicable area requirements of §§401, 403, 404, 405, 406, and 2001.3 shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3104 of Chapter 31 of this title, subject to the provisions of this section.

This section allows the Board to approve an addition to a one-family dwelling when it does not comply with certain requirements, and to allow an expansion of a non-conforming use, subject to the provisions of Section 223. In this case, the addition will not comply with the rear yard requirement of 25 feet as outlined in Section 404. The

existing building is non-conforming by three feet (i.e. it extends three feet into the 25 foot rear yard area).

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

As a practical matter, the only neighboring property that is affected by this small requested rear addition to 5305 28th Street is the house to the east, across the alley, which fronts on Jennifer Street (2715 Jenifer Street). The Office of Planning does not believe that the light and air available to that house, or to any other nearby houses, is affected.

The house at 2715 Jenifer Street is at a lower elevation than 5305 28th Street (ten feet or more). There is also an existing wooden fence in the rear of the yard of 5305 28th Street that limits views between the two houses. Trees in the yard of 5305 28th Street provide additional screening for much of the year. The Office of Planning also notes that the owners of the house at 2715 Jenifer Street have signed the statement circulated by Jeremy Rifkin and Carol Grunewald, indicating that they do not object to the reducing the rear yard to 18 feet.

(c) The addition, 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 street frontage; and

The addition is small and the Office of Planning believes it will not intrude on the character, scale and pattern of the houses along the street frontage. Although the Board is not strictly concerned with design issues, it appears to the Office of Planning that the design of the new construction will improve the appearance of the house as viewed from the rear and the sides.

(d) In demonstrating compliance with ¶¶(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 to adjacent buildings and view from public ways.

The owners have submitted plans and photographs that show the relationship of the proposed addition to adjacent buildings and views from public ways.

223.4 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-l and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.

There is no problem with lot occupancy in this case. Due to the large lot size, the existing lot occupancy is only 15.5 percent. The lot occupancy with the addition will be 17.4 percent.

223.4.1 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 existing wooden fence, about five feet high at the rear of the lot, limits views from the first floor into the house across the alley, and vice-versa. The owners plan to retain this fence. The Board may want to note that such a fence should be maintained.

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

There is no issue with this section. The proposed addition is for expansion of the permitted residential use.

In summary, the Office of Planning believes the rear addition to the house at 5305 28th Street, N.W., as proposed by the applicant, meets the requirements for a special exception under Section 223.

ANC AND COMMUNITY GROUPS

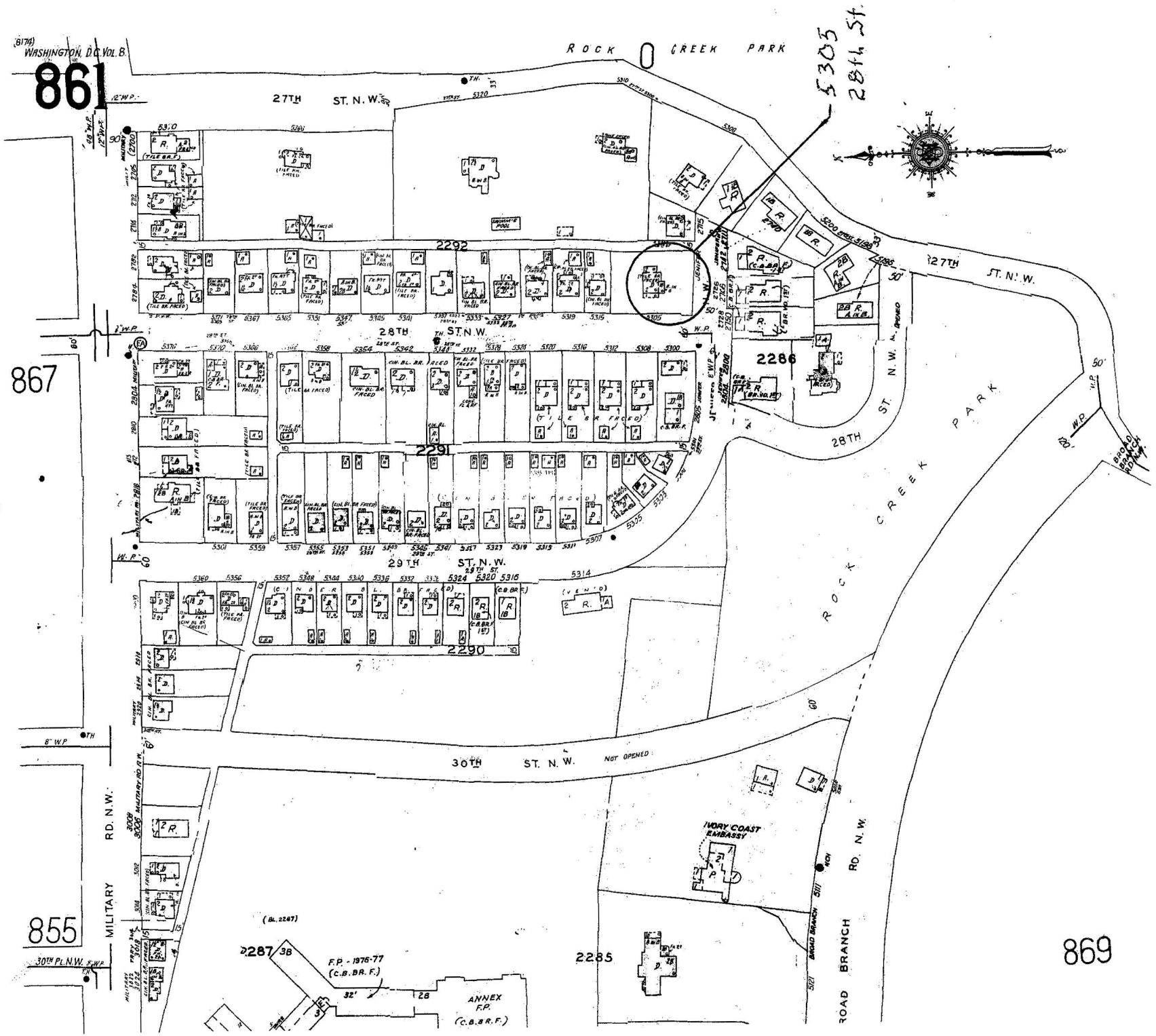
At ANC-3G's publicly announced meeting on Monday, November 26, 2001, the Commission voted 5-0-1 to support BZA approval of Application 16812 for a special exception for an addition to the residence of Jeremy Rifkin and Carol Grunewald at 5305 28th Street, N.W. The support of ANC-3G is indicated in a November30, 2001 letter to the BZA (Exhibit 18).

RECOMMENDATION

The Office of Planning recommends that the Board of Zoning Adjustment approve a special exception to allow an addition to the rear of the single-family residence at 5305 28th Street, N.W.

Attachment

AA/jf


(8174)
WASHINGTON, D.C. VOL. 8
861
ROCK CREEK PARK
5303
28th St.
27TH ST. N.W.
28TH ST. N.W.
29TH ST. N.W.
30TH ST. N.W. NOT OPENED
2292
2291
2290
2286
2287
2285
867
855
869
MILITARY RD. N.W.
ROCK CREEK PARK
BROAD BRANCH RD. N.W.
IVORY COAST EMBASSY
ANNEX F.P. (C.B.B.R.F.)
F.P. - 1976-77 (C.B.BR.F.)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Fina
and Revenue, Assessment Administration, and do not necessarily agree with deed description.

