GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: January 8, 2002

SUBJECT: BZA Application No. 16816, 3615 Davis Street, N.W.
Square1935, Lot 17
Special Exception for Addition to Single Family Dwelling in an R-1-B Zone, Pursuant to 11 DCMR Section 223

APPLICATION

The applicant requests special exception relief pursuant to 11 DCMR Section 223, to permit the construction of an addition to a single family dwelling at 3615 Davis Street, N.W. The addition would be a two-car garage, with a deck and fencing on top of the garage. The requested relief would allow the enlarged structure to exceed the permitted lot coverage by 4.43 %, to have a side yard 45% smaller than matter of right, and a rear yard 87.5% smaller than matter of right.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval of the special exception relief.

PROJECT DESCRIPTION

The applicant's house is situated on a rise, on corner lot that slopes to the east and to the south. The house is oriented on the long east/west axis, and its front faces south. *(Figure 1).* There is a north-south alley at the eastern end of the lot, which, because of the house's orientation, is actually at the side of the lot. A portion of the applicant's property facing the alley has been excavated and is used for parking two cars and for storing tools and garbage. *(Figure 5).* The parking area is generally flat and is at the same elevation as the alley.

Because of the topography and the existing excavation, the top of the proposed garage would be level with the first floor or the house. The deck on top of the garage would thus be entered from, and on a continuous plane with, the first floor of the existing house.

AREA DESCRIPTION

The property is located in the eastern portion of the Glover Park neighborhood in Northwest Washington. The immediate neighborhood is bounded by Wisconsin Avenue on the west, Massachusetts Avenue on the north, Observatory Circle on the east, and Calvert Street on the south. The predominant housing type is two and three-story single-family detached. Services, parking and garages are typically accessed from rear alleys. Most of the houses appear to have been built between 1920 and 1950.

BZA Case No. 16816 Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16816
EXHIBIT NO.24

EXISTING ZONING AND RELIEF REQUEST

The property is zoned NOPD/R-1-B. This zone extends for several blocks in all directions. The R-1-B zone is the next-to-least intensive residential zone in Washington, and is intended for single-family houses on lots that are at least 50 feet wide and contain at least 5,000 square feet of lot area. Lot occupancy is limited to 40%. The NOPD overlay is the Naval Observatory Precinct District. This overlay district is intended to protect the scientific and security interests of the Naval Observatory grounds, which includes the residence of the Vice President of the United States. It was established to ensure, particularly, that otherwise-permitted heights in the areas adjacent to the Naval Observatory and Vice-Presidential residence do not compromise federal security interests. Accordingly, applications within this overlay are referred by the Board to the National Capital Planning Commission (NCPC) as well as to the usual District agencies, for review and report.

Special Exception Relief

The property is developed and used as a single-family residence. With the proposed garage addition, the structure would exceed lot occupancy, and rear and side yard requirements. The property would thus be subject to apply for zoning relief under Section 223.

> *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 requirements of Sections 401,404, 405 or 406 of this title shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Section 3104 of Chapter 31 of this title, subject to the provisions of this section.*

The Zoning Administrator's office provided the following information regarding the property's need for zoning relief.

Section	Item	Restriction	Provided	Deviation
403	Lot Occupancy	40%	44.43%	4.43%
404	Rear Yard	25'	13.75	45% (11.25')
405	Side Yard	8' x 8'	0' x 1'	87.5% (0'x 7')

Relief Test

Section 223.2 Sets out the standards for relief:

> *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;*

The addition is proposed at the eastern end of the lot, adjacent to the rear yard of the neighboring property. There is nothing to suggest the addition will impair the light or air available to the adjacent neighbors. The addition (not including privacy fencing) would not rise higher than two or three feet above the neighbor's back yard.

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

The addition will not have any windows facing the neighboring property. The deck will be screened by existing plantings and by a 7' privacy fence.

> *(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;*

The proposed addition is congruent with the architecture or the existing building and is consistent with the scale and character of the existing houses and alley garages. The proposed garage will extend approximately 5' above the existing grade and will be screened from the front by both fencing and shrubbery. The cornice at the top of the addition will continue the entablature line of the bottom of the existing first floor. The garage is consistent with the several other garages with access from the alley *(See Illustrations 5, 7 and 8)*. It will actually be set-back farther from the alley than other nearby garages.

The only part of the proposed addition that will be generally noticeable will be the privacy fences. These have been designed to reflect the architecture of the existing house. OP has encouraged the applicant to give additional attention to softening the appearance of these fences, and to reducing their visibility through additional landscaping. The Board may wish to pay particular attention to these elements of the design.

> (d) In demonstrating compliance with (a), (b) and (c) of this subsection, the applicant shall use graphical representation 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 applicant has provided a site plan, elevation and section drawings, and photographs showing the relationship of the existing house to the proposed addition, and of the proposed structure to the existing structure and adjoining properties. In addition, OP has met with the applicant, and visited and photographed the site.

OTHER DISTRICT AGENCY REPORTS

As of January 2, 2002, there were no other District agency reports on file.

OTHER GOVERNMENTAL REPORTS

As of January 2, 2002, there was no report from the National Capital Planning Commission (NCPC) on file. 11DCMR Section 1533.3 requires the Board to refer an application for a special exception within the Naval Observatory Precinct District to NCPC. OP notes, however, that the proposed addition is only one-story high, is not adjacent to nor overlooking the Naval Observatory grounds.

ANC POSITION

According to the applicant, the plans have been reviewed by the Planning and Zoning Committee of ANC 3C, as well as by the full ANC. The applicant has informed OP that the full ANC passed a resolution registering No Objection at the ANC's regular monthly meeting in December, 2001. As of January 2, 2002 the ANC had not filed a report with the Office of Zoning.

OTHER NEIGHBORHOOD REACTION

The file contains one letter of concern about the proposed addition. It is from a resident of the block to the west of the applicant. Based solely on the standard BZA notice, the correspondent is concerned that any addition will be inappropriate to a house the correspondent views as already being large, prominent, and without sufficient yard space.

OP notes that the applicant's residence may appear larger than it actually is because of the orientation of the front façade towards the longest side of the lot. With the existing drop-off of the land to the east, and the existing excavation for the driveway leading to the current below-grade garage, this has led the applicant to orient recreation space towards the west, adjacent to the front yards of the houses to the north.

OP notes that the top of the proposed addition will be no higher than the grade of the existing house's first floor, that it will not be visible from the west or north, and that the deck on top of the garage would add enough usable outdoor space to permit the reorientation of recreation space to the east, where adjacent houses now have their back yards.

CONCLUSION

Section 223 was initiated at the request of the BZA and adopted by Zoning Commission Order No. 840 in 1997. Order No. 840 states that *"[T]he purpose of the amendment is to provide a legal basis for making reasonable additions to single-family dwellings where the strict tests associated with an area variance are unattainable"*. The order further states that *"[T]he overall goal of the proposal is to provide a degree of flexibility regarding additions, while retaining essential controls related to effects on neighboring properties and neighborhood character"*.

OP believes the proposed structure is the type of addition intended to be addressed by Section 223. Based on the information provided by the applicant and the Zoning Administrator, and by a visit to the site, OP concludes that the proposal will have no adverse impact on the adjoining properties, will not intrude on the character or scale of the neighborhood, and will not infringe on the full use and enjoyment of the neighboring properties.

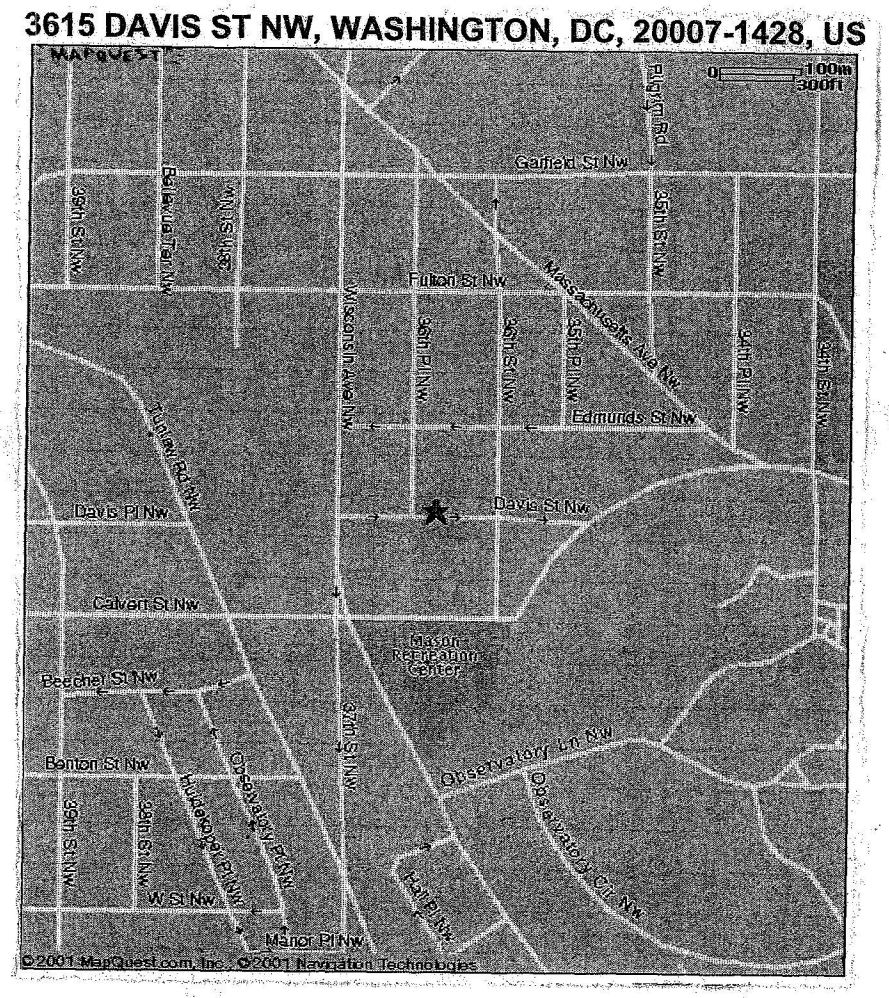
RECOMMENDATION

The Office of Planning concludes that the application meets the tests set out by 11 DCMR Section 223 and recommends approval of the application.

AA/slc$_{aicp}$

attachments

APPENDIX 1: Location and Zoning



APPENDIX 2: Site Photos

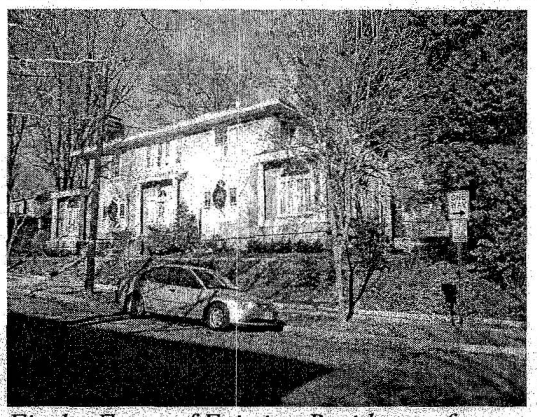


Fig 1: Front of Existing Residence, from South, on Davis Street . Proposed Garage and Deck to be constructed on Right, starting behind existing wing with Palladian windows.

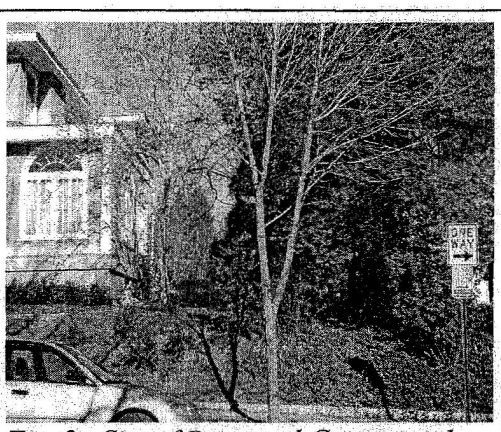


Fig. 2: Site of Proposed Garage and Deck. Garage to be behind illustrated wing. Top to be even with water-table line under Palladian windows. There will be three planes and levels of fencing. Front-most fence even with existing wing and as high os floor of existing wing. Rear-most fence 48' back from front of house,4' from "rear" property line, and as high as mid-point

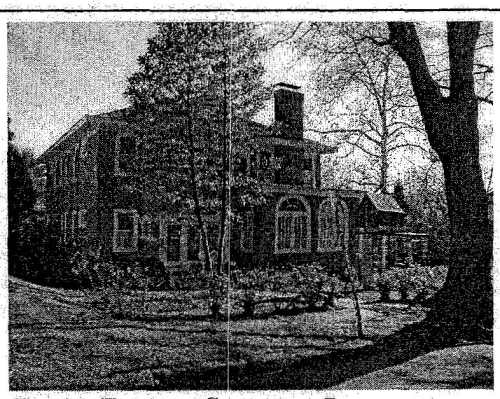


Fig 3: Existing Structure Perspective, from West.

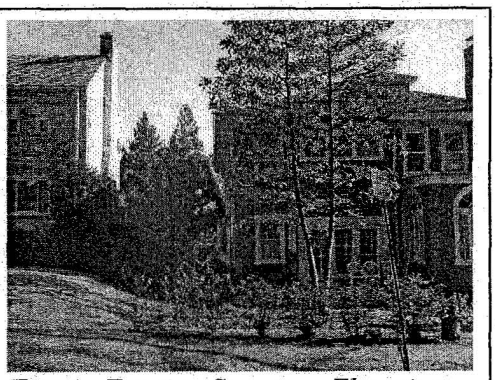


Fig. 4: Existing Structure Elevation, on Right, from West. Proposed Addition to be even with sill of rightmost first floor window, approx. 50' back from closest building front in this picture.

Site Photos (cont.)

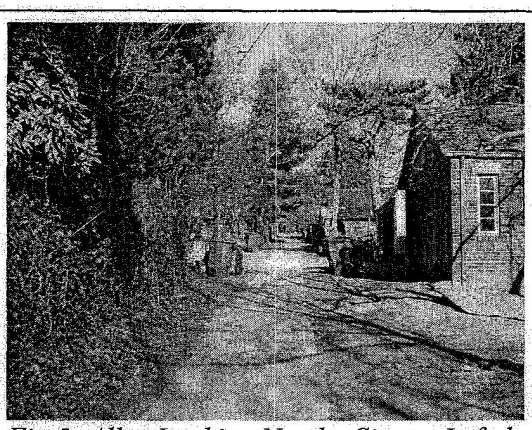


Fig.5: Alley Looking North. Site on Left, before garbage can.

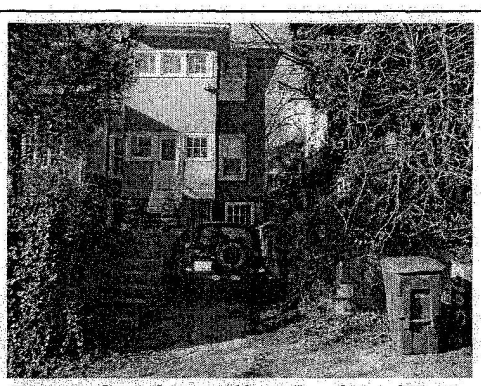


Fig. 6: Site from Alley, Looking West. Proposed Garage to be as high as sill of existing door at top of steps, and to extend 4' to right of existing wall of main house, and 4' to left of existing vestibule addition.

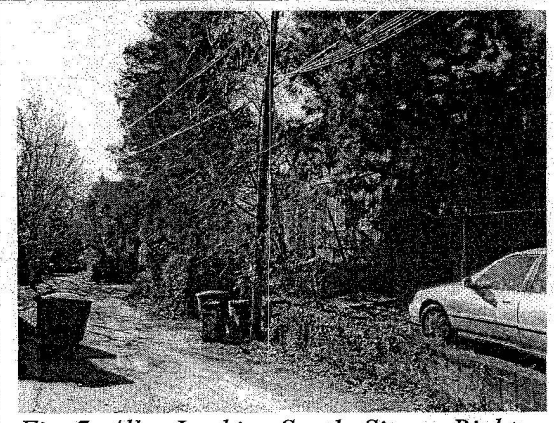


Fig. 7: Alley Looking South. Site on Right, after garbage can.

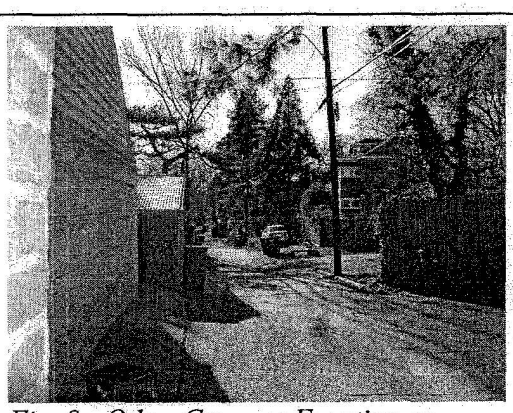


Fig. 8: Other Garages Fronting on Alley, looking South.