GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: January 9, 2002

SUBJECT: BZA Application No. 16822 (Request for a Special Exception to Allow an Addition to a Single-Family Residence not Meeting Side Yard Requirements)

APPLICATION

Application of Julius Varallyay, pursuant to 11 DCMR Section 3104.1 for a special exception to allow an addition to a single family dwelling under Section 223, that is nonconforming (2001.3) as to lot area and lot width (section 401) and not meeting the side yard requirements (section 405) in an R-1-B District at premises 2926 33rd Place, N.W. (Square 2118, Lot 45).

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.

BZA
Case No. 16822
Exhibit No. 21

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

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proposed additions (Zoning Commission Case No. 01-10TA, adopted by the Zoning 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 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 405, "Side Yards (R)."

SITE AND AREA DESCRIPTION

This application is for a rear addition to a single-family, semi-detached detached dwelling at 2926 33rd Place, N.W. (Square 2118, Lot 45). This property is on the west side of a one-block section of 33rd Place that extends from Garfield Street on the south to a point on the north where Cleveland Avenue and Cathedral Avenue intersect. Square 2118 is bounded by 33rd Place on the east, Garfield Street on the south, 34th Street on the west and Cathedral Avenue on the north. This square would probably be considered on the western edge of the Woodley Park neighborhood, though it is also near the Cleveland Park neighborhood. This area is indicated on the Comprehensive Plan Generalized Land Use Map as low density residential. The area is zoned R-1-B.

The single-family, semi-detached dwelling that is the subject of this application is on a 3,920 square foot lot. The front of the lot has an eastern frontage on 33rd Place of 32 feet and a depth of 122.5 feet. The rear of the lot, also 32 feet in width, faces on a 15-foot alley. Since this is a semi-detached dwelling, it directly adjoins a second semi-detached dwelling to the south on Lot 46 (2924 33rd Place). This pair of semi-detached single-family houses was built in 1924.

The application notice notes that a special exception is needed "to allow an addition to a single family dwelling that is nonconforming (2001.3) as to lot area and lot width (section 401) and not meeting the side yard requirements (section 405) in an R-1-B District." This is a technical "nonconformity" because this area is zoned R-1-B which does not allow new semi-detached dwellings (one-family detached dwellings are allowed). The R-1-B district has a minimum lot area requirement of 5,000 square feet and a minimum lot width of 50 feet. Note that this semi-detached single-family dwelling would be conforming in a R-2 District, where the minimum lot area for a one-family semi-detached dwelling is 3,000 square feet and the minimum width of lot is 30 feet.

Square 2118 has several housing types. Most of the houses are single-family detached dwellings. However, there are three pairs of semi-detached dwellings, including the one that includes the dwelling in this application, and two sets of row dwellings (three each) facing Cathedral Avenue. The tax records indicate that all these dwellings were built in the 1920s.

APPLICANT'S PROPOSAL

The existing single-family semi-detached dwelling that is the subject of this application has a narrow kitchen at the rear of the dwelling, which includes the door to the back yard. The applicant proposes to build an addition that would extend eight feet into the back yard in order to create a larger area for a modern kitchen. This addition would also extend four feet into the existing side yard on the north side of the dwelling. The addition would be about 10.5 feet high above the first floor level and would have a slightly sloping roof to the rear. At present, there is a joint driveway (20 feet wide, 10 feet on both properties) that slopes down from the alley to a basement garage under each dwelling. Part of the addition will be built over the driveway, but that driveway area will simply remain open.

There is not a problem with the addition in terms of the rear yard. The existing rear yard of 50.5 will be reduced to 42.5 feet by the eight-foot addition. However, the rear yard requirement in the R-1-B District is 25 feet, so the rear yard is still in compliance even with the addition. There is also not a problem with the existing side yard on the north side of the dwelling. The dwelling is 18.2 feet wide and the addition will extend to the north another four feet, a total of 22.2 feet. With a lot width of 32 feet, this leaves 9.8 feet. A side yard of 8 feet is required in the R-1-B, so there is alight excess width in the remaining side yard where the kitchen addition is located.

The place where special exception relief is needed under Section 223 is on the south side of the dwelling, along the common property line with 2924 33rd Place. To be effective in creating additional area, the proposed addition is to be built to the property line, with no side yard for the eight feet length of the addition. The regulations require an eight-foot side yard in the R-1-B district, so special exception relief is requested.

The applicant, Julius Varallyay, has submitted a letter from his immediate neighbor to the south at 2924 33rd Place (the southern half of the semi-detached pair of dwellings)

indicating no objection to his proposed construction (Exhibit 8). The neighbor to the north, at 2928 33rd Place, has also signed a letter indicting no objection (Exhibit 9).

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 side yard requirement of 8 feet as outlined in Section 405.**

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;

The neighboring property that is primarily affected by this proposed small one-story rear addition to 2926 33rd Place is the dwelling to the south at 2924 33rd Place, the other half of this pair of semi-detached dwellings. The Office of Planning does not believe that the light and air available to that house, or to any other nearby houses, is unduly affected. The Office of Planning does not believe that the use and enjoyment of the neighboring property to the south, or other nearby properties, is unduly compromised. The kitchen addition will not have a window on the south side along the property line.

The Office of Planning also notes that the owners of the house at 2924 33rd Place have provided a letter indicating that they have no objection to the "the eight foot extension in the back of the building right along our property line."

(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 one-story high and only the four feet of the addition that extends into the side yard on the north side of the house will be visible from the street. The addition will be visible from the alley. The Office of Planning believes it will not intrude on the character, scale and pattern of the houses as seen from the alley. The addition will have a stucco finish, compatible with the upper portion of the dwelling.

> (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. The existing lot occupancy is 19.3 percent. The lot occupancy with the addition will be 23.8 percent, still less than the lot occupancy allowed in the R-1-B District.

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 Office of Planning does not believe that additional screening is needed.

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.

The Office of Planning believes the proposed rear addition to the dwelling at 2926 33rd Place, N.W., meets the requirements for a special exception under Section 223.

ANC AND COMMUNITY GROUPS

At ANC-3C's publicly announced December 2001 meeting, the Commission approved a motion expressing no objection to the special exception application for 2926 33rd Place, N.W. The position of ANC-3C is indicated in a letter to the BZA. The letter indicates the ANC-3C Planning and Zoning Committee had reviewed the application with the owner.

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 semi-detached residence at 2926 33rd Place, N.W.

Attachments

AA/jf

Surveyor, D.C.

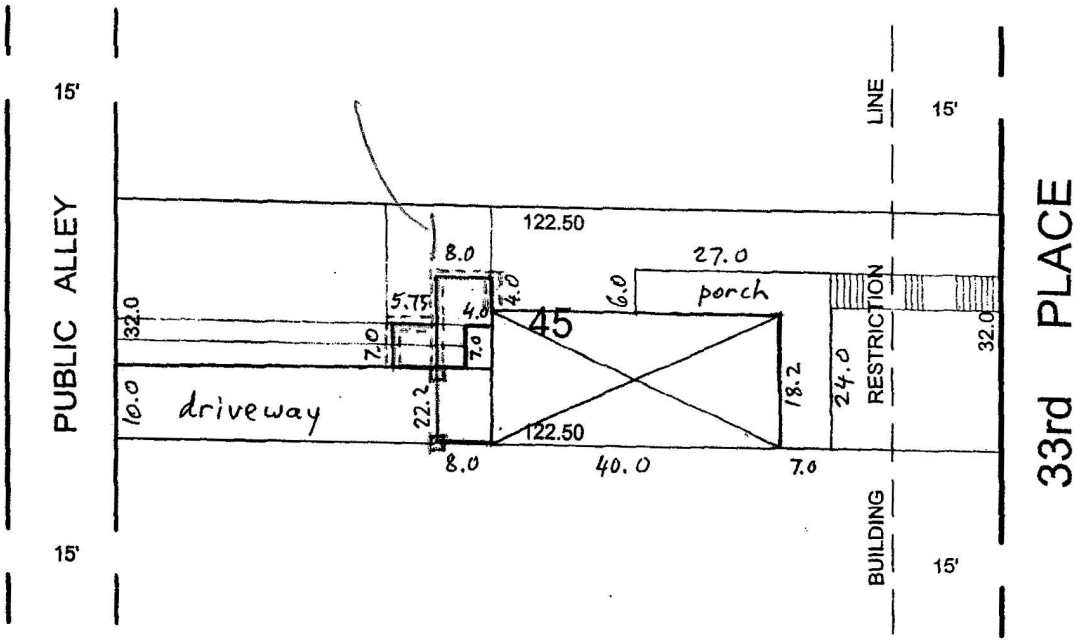
By: L.E.S.

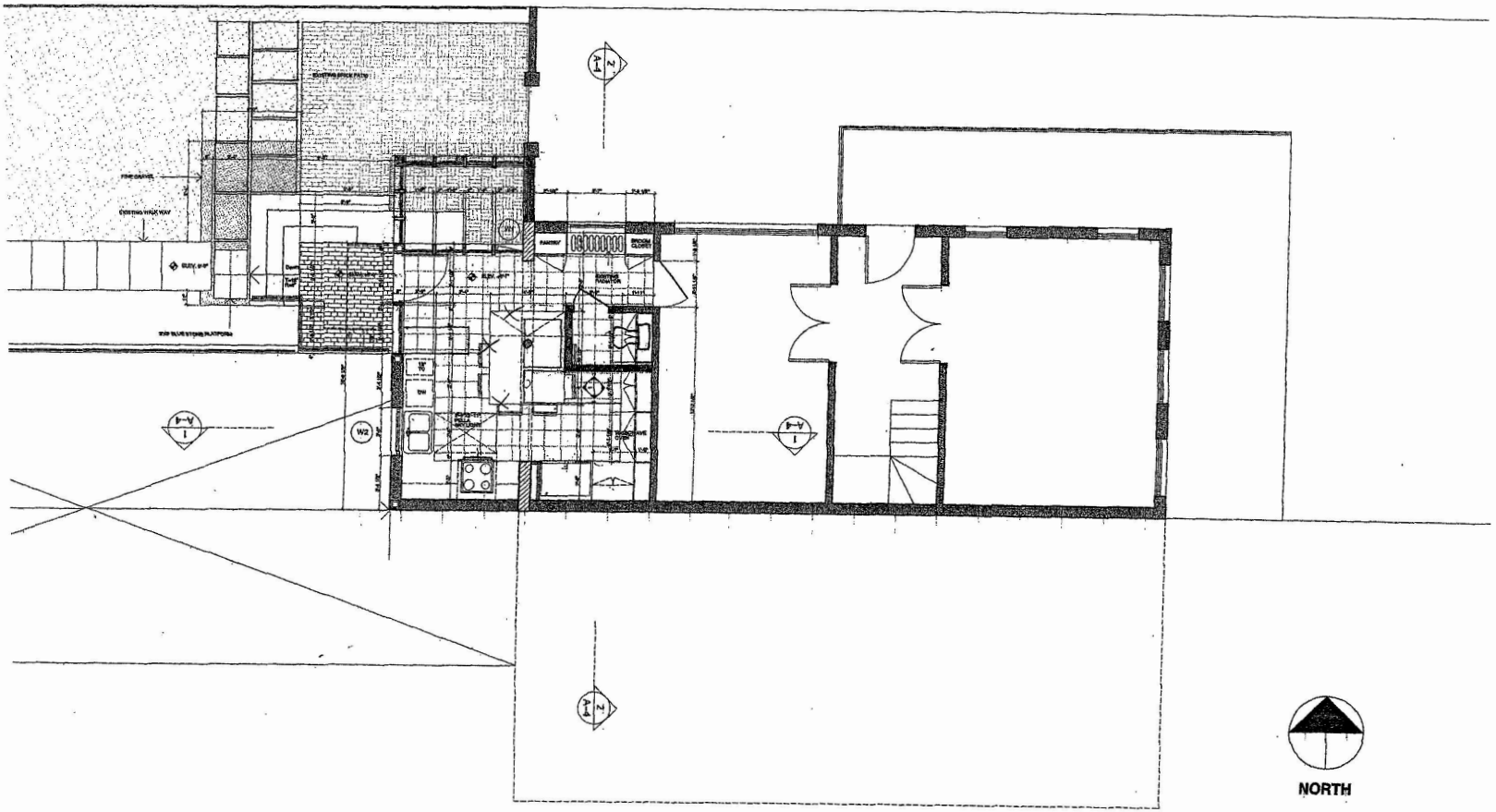
of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum drive[redacted]de of 12% across the public parking and the private restricted property.)

Date: 26 September 2011

(Signature of owner or his authorized agent)

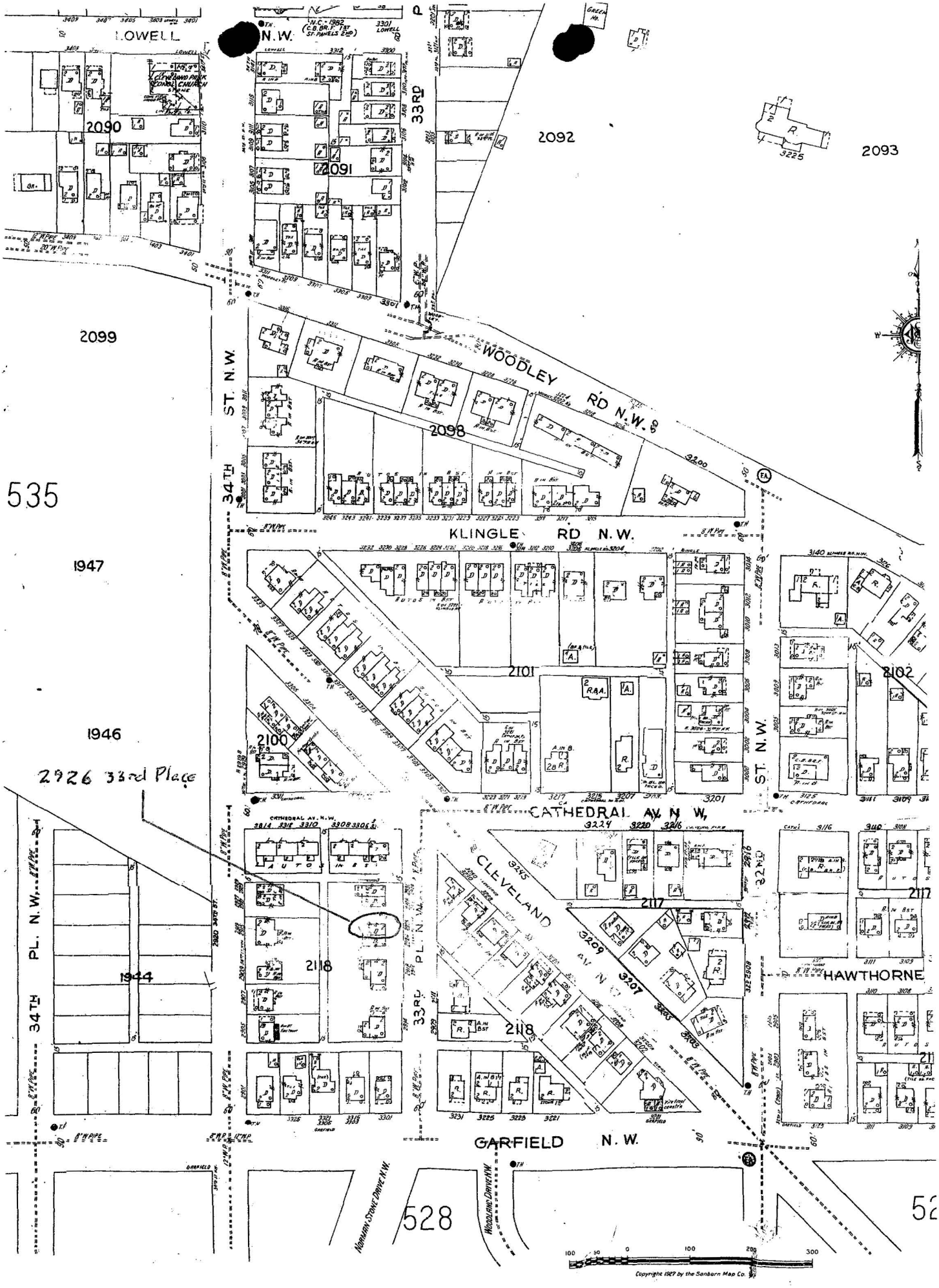
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.





Mr. Julius Varallyay - Kitcl

33 RD. Place N.W., Washir


LOWELL
N.W.
33RD
2090
2091
2092
2093
2099
2098
WOODLEY RD N.W.
34TH ST. N.W.
535
1947
KLINGLE RD N.W.
2101
2102
2100
1946
2926 33rd Place
CATHEDRAL AV. N.W.
CLEVELAND AV. N.W.
HAWTHORNE
2117
2118
1944
PL. N.W.
33RD PL. N.W.
34TH PL. N.W.
GARFIELD N.W.
NORMAN STONE DRIVE N.W.
WOODLAND DRIVE N.W.
528
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Feature Key

- Zoning Boundaries
- Square Index
- Ortho Index 1999

Board of Zoning Adjustment
Application No. 16822
2926 33rd Place, NW

DC Office of Planning
January 9, 2002

Scale 1:1675

N

25 0 25 50 75 Feet

Attachment