GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

MEMORANDUM

TO: Board of Zoning Adjustment

THRU: Jerrily R. Kress, FAIA
Director

FROM: Richard S. Nero, Jr. RSN
Special Assistant

DATE: December 31, 2001

RE: BZA Application No. 16834 – 3328 N Street, N.W.

The above-cited application was referred to the Board of Zoning Adjustment for variance relief pursuant to a Zoning Administrator's memorandum dated October 10, 2001. The applicant's development plans involve a small addition to a one family semi-detached dwelling, located in the R-3 District. The proposed development exceeds the allowable (40%) lot occupancy by 12.90%, for a total lot occupancy of 52.90%. Because the existing structure is nonconforming as to lot width and side yard width, the Zoning Administrator cited the need for variance relief from subsection 2001.3 (nonconforming structures). Upon further review of the application staff has determined that the applicant's development proposal is eligible for special exception consideration under section 223 (additions to one-family dwellings). The overall lot occupancy of the proposed development does not exceed the maximum lot occupancy requirement of 70% under section 223. Staff has amended the application, and contacted the applicant concerning her burden of proof under section 223, as recently amended to include subsection 2001.3.

BZA
Case No. 16834
Exhibit No. 11

Board of Zoning Adjustment
District of Columbia
CASE NO.16834
EXHIBIT NO.11

Government of the District of Columbia
OFFICE OF ZONING

★ ★ ★

FACSIMILE TRANSMISSION COVER SHEET

To: SHIRLEY JOHNSON	**From:** RICHARD NERO
Fax: (202) 338-4434	**Fax:**
Phone:	**Phone:** 727-6311
Re:	**Date:** 1/2/02
Pages: 2 + COVER	**CC:**

☐ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply**

Comments: PER OUR TELEPHONE CONVERSATION — SECTION 223.

If you do not receive all of this transmission, please contact sender immediately.

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
E-Mail: zoning.info@dcoz.dcgov.org • Web Site: http://www.dcoz.dcgov.org/

221.3 There shall be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

221.4 The proposed facility shall meet all applicable code and licensing requirements.

221.5 The facility shall not have an adverse impact in the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

221.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

221.7 The Board shall not approve more than one (1) youth rehabilitation home, adult rehabilitation home, or substance abusers' home in a square or within one thousand (1,000 ft.) of each other.

221.8 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment, along with the reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections and, if a historic district or historic landmark is involved, to the State Historic Preservation Officer.

SOURCE: §3101.416 of Regulations effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3489 (August 7, 1981); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); renumbered by Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and by Final Rulemaking published at 40 DCR 726 (January 22, 1993).

222 [RESERVED]

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

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 §§401, 403, 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 §3108 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-1 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.

299 DEFINITIONS

299.1 The provisions of §199 chapter 1 of this title, and the definitions set forth in that section, shall be incorporated by reference in this section.