GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: February 18, 2002

SUBJECT: BZA Application No. 16837 (Request for a Special Exception to Allow an Addition to a Single-Family Residence not Meeting Rear Yard Requirements)

APPLICATION

Application of Benjamin M. Rowland, 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 5129 Macomb Street, N.W. (Square 1446, Lot 7)

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of this special exception to allow an addition to the rear of a single-family residence at 5129 Macomb Street, N.W., in accordance with the provisions of Section 223.

BZA
Case No. 16837
Exhibit No. 21

BACKGROUND

Relationship of this Special Exception Application to Section 223

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,

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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 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 404, "Rear Yards".

Previous Review of Proposal

The proposal to approve this rear addition originally came before the BZA on May 1, 2001 as Application No. 16694 for a variance. The variance was applied for because of the non-conforming aspects of the existing house. The house was built in 1941 before the existing Zoning Regulations were adopted and side yards are less than the eight feet width now required. The variance request was denied by the BZA (BZA Order on Application 16694, effective July 12, 2001).

Subsequently, as noted above, the Zoning Commission adopted an amendment to Section 223 that allows non-conforming buildings (with an area non-conformity) to be eligible for special exception relief under Section 223. The BZA had experience in various cases in which proposed additions appeared eligible for relief under Section 223 but which still had problems because of an area non-conformity. This addition, submitted as Application No. 16694, was one of those cases that led to the amendment to Section 223. This new application for a rear addition under Section 223, as now amended, is essentially the same as the previous application except that the fireplace in the addition has been eliminated.

SITE AND AREA DESCRIPTION

This application is for a rear addition to a single-family detached dwelling at 5129 Macomb Street, N.W. (Square 1446, Lot 7). This property is located in the Palisades neighborhood near the far western corner of the city. Macomb Street is often thought of in connection with the Cleveland Park neighborhood. However, this section of Macomb Street is further west and extends from Loughboro Road on the north, generally in a southwest alignment, to MacArthur Boulevard and then on south to Potomac Avenue. The property that is the subject of this application is located on the west side of Macomb Street, approximately a block and-one-half north of MacArthur Boulevard. Almost the entire Palisades neighborhood 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, 8,048 square feet, which is slightly trapezoidal in shape. The front of the lot has frontage on Macomb Street of 80 feet. The side lot line on the south has a length of 90 feet and the side lot line on the north has a length of 111.21 feet. The rear lot line is therefore slightly angled to the northwest and has a length of 82.76 feet. The rear of the lot directly adjoins the property "up the hill" at 5116 Palisade Lane. There is no alley. The house was built in 1941. Most of the houses in Square 1446 were built about that same time.

The topography of the lot and of the surrounding property is a key factor in evaluating the potential impact of this proposed rear addition. Attachment 1, an aerial photograph with topographic lines added, shows Square 1446 and the adjacent area. It can be seen that Square 1446 is essentially a knoll that slopes steeply to MacArthur Boulevard to the southwest. Palisade Lane, which is in the center of Square 1446 and ends in a cul-de-sac, is built at the top of the knoll, with the land in Square 1446 generally descending toward Manning Place on the north and Macomb Street on the south. Attachment 2 shows the subject property, 5129 Macomb Street (Lot 7), and the adjacent property to the northwest, 5116 Palisade Lane (Lot 9), in more detail. The elevation of the land at the front property line of 5129 Macomb Street is about 53 feet and the terrain rises to about 60 feet at the rear property line, an overall rise of about seven feet. The land elevation of Lot 9 at its front property line on Palisade Lane is about 67 feet so there is a rise of about another seven feet between the rear property line of 5129 Macomb Street and the front property line of 5116 Palisade Lane.

The existing rear of the house at 5129 is about 40 feet from the rear property line. This is an average distance since the rear property line is angling away from the house. There is a paved stone patio in back of this house, bordered on the back by a 3-4 foot high stone retaining wall. The property rises up the hillside above the wall and there is another 3-4 foot high stone retaining wall near the rear property line.

APPLICANT'S PROPOSAL

The existing house at 5129 Macomb Street has a relatively small kitchen in the south rear portion of the house. The owners propose to build a one-story addition to the rear, in order to create an enlarged kitchen and family room space. As indicated in the architect's drawings, the addition extends back and has a rounded shape to the rear. Because of the slope of the rear yard beyond the existing stone retaining wall, the curved portion of the new addition is partly built into the hillside. A portion of the addition, about 7.8 feet, extends into the required rear yard space of 25 feet. This is why the special exception is being requested. The addition will have brick walls with windows, a slate roof and a skylight over the curved portion at the rear of the addition. The addition meets the eight feet side yard requirement in relation to the nearby side property line to the south.

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 structure, 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. As indicated above, and as shown on the drawings, the portion of the addition that extends into the required rear yard space is relatively small and will be partly built into the hillside at the rear of the property.

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 neighboring property that would be affected by this small rear addition to 5129 Macomb Street (Lot 7) is the house on the adjoining lot to the rear, to the northwest, at 5116 Palisade Lane (Lot 9, Square1446). This is the adjoining property that is "up the hill" from Lot 7. The Office of Planning does not believe that the light and air available to that house, or to any other nearby houses, is affected by the requested addition.

The owners of the house at 5116 Palisade Lane have written a note to the ANC indicating that they have no objection to the Rowland's plans to construct the rear addition.

> (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, is directly behind a portion of the existing house and, as previously noted, will be partly built into the hillside. This rear addition will not be visible from Macomb Street nor from Palisade Lane. In general, considering the change in elevation, the way the addition is built into the hillside, and the screening vegetation on the lot, the addition will not generally be visible from the house "up the hill" at 5116 Palisade Lane. It may be that the occupants of that house would see it if they came to the rear of their property and looked down through the screening vegetation. The Office of Planning believes it will not intrude on the character, scale and pattern of the houses along the street frontage.

> (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 their property and views from public ways (Macomb Street) and from the rear.

223.4 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent 1(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 relatively large lot size, the existing lot occupancy is 20.5 percent. The lot occupancy with the addition will be 24 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 Office of Planning does not believe that additional screening is needed. Views of the addition will be very limited because of the slope of the land and the way the one-story addition is built into the hillside. In addition, there is existing vegetation that provides screening.

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 5129 Macomb Street, N.W., as proposed by the applicant, meets the requirements for a special exception under Section 223.

ANC AND COMMUNITY GROUPS

At ANC-3D's regularly scheduled monthly meeting on Wednesday, February 6, 2002, the Commission voted 5-0-0 to support BZA approval of Application 16837 for a special exception for an addition to the residence of Benjamin and Julia Rowland at 5129 Macomb Street, N.W. The support of ANC-3D is indicated in a February 12, 2002 letter to the BZA.

RECOMMENDATION

The Office of Planning recommends that the Board of Zoning Adjustment approve a special exception to allow the proposed addition to the rear of the single-family residence at 5129 Macomb Street, N.W.

Attachments

AA/jf



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16837

DC Office of Planning
February 12, 2002

Scale 1:2619

N

50 0 50 100 Feet

Attachment 1



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16837

DC Office of Planning
February 12, 2002

Scale 1:1145

N

25 0 25 50 Feet

Attachment 2

By: ZH VMA

(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.

STRUCTURE CONSTRUCTED BEFORE 1950

