GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: March 12, 2002

SUBJECT: BZA Case # 16842 Special Exception Request

APPLICATION-IN-BRIEF

Applicant: Gerald & Mary Jane Suskind
2943 Macomb Street, N.W.
Square 3571, Lot 18

Relief Sought: Pursuant to 11 DCMR 3104, the applicant is requesting a special exception under section 223 (addition to one-family dwellings and flats), in the R-1-B Zone District

Relief Sought Under: Subsection 223

Zoning Classification: R-1-B

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

Applicant's Justification:

The structure is a private one-family dwelling with limited kitchen space and an insufficient amount of exterior light. The applicant is requesting a small addition in order to enlarge the kitchen and increase provisions for more light.

BZA
Case No. 16842
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16842
EXHIBIT NO.22

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SITE AND AREA DESCRIPTION

The subject premises are in the Cleveland Park neighborhood of Ward 3, at 2943 Macomb Street, N.W. Newark Street generally bound the site to the north, Macomb Street to the south, Ross Place to the west and Connecticut Avenue is to the east. The neighborhood is predominantly residential in character, consisting primarily of 20th century wood frame bungalows structures; stylistic to the type of dwellings built throughout the Cleveland Park community around the turn of the century.

Commercial services are conveniently located one block to the east of the subject property, on both sides of Connecticut Avenue, between Klingle Road and Porter Street.

The Cleveland Park Branch Public Library is on the northwest corner of Macomb Street and Connecticut Avenue.

The subject structure was built as a dwelling unit prior to the passing of the Zoning Act of 1958. According to the Experian, a D.C. Assessment Directory, none of the residential dwellings on Square 2082 were constructed since the approval of the Zoning Act of 1958. These units cannot be expected to fully comply with all of the regulations that were implemented since their construction.

(See Attachment - Key Feature Map)

AREA ZONING

The subject dwelling is in the R-1-B zone district. The R-1 district is designed to protect quiet residential areas developed with one-family detached dwellings and flats. One-family detached dwellings are permitted in R-1-B zones as a matter-of-right. An addition to a one-family dwelling that does not comply with all the requirements for height, area and density shall be permitted if approved by the Board of Zoning Adjustment.



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16842

Scale 1:1912

N

25 0 25 50 75 100 125 Feet

DC Office of Planning
January 31, 2002

Attachment 1

APPLICANT'S PROPOSAL

The applicant proposes to build an 84 square foot (14' wide & 6'' deep) rectilinear kitchen addition to the rear of the structure, over an existing deck. The addition is to be constructed of wood framing, with large glass windows on the north rear of the kitchen and smaller windows on the west side. There would be no windows on the east side of the kitchen. The purpose of increasing the size of the kitchen is to provide additional space and bring more light into the rear of the property.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. **Comprehensive Plan Section 1104.1(h)** outlines a policy to "encourage the maintenance of existing housing stock and, where appropriate, the rehabilitation and new construction of detached and row housing." The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Low Density Residential Land Use Category.*** Single-family detached and semi-detached housing are the predominant uses in this category.

The area to the east of the subject site, along Connecticut Avenue, between Klingle Road and Porter Street is in the ***Moderate Density Commercial Land Use Category***. This area provides convenient commercial services for the community.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 3104, the applicant is requesting a special exception under section 223 (addition to one-family dwellings and flats), in the R-1-B zone district.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

Yes. The proposed addition to the dwelling unit at 2943 Macomb Street, N.W. will be in harmony with the general purpose and intent of the Zoning Regulations and maps. The new addition will be a small one-story rear addition to an early 1 ½-story 20th century wood frame bungalow style dwelling unit. The subject dwelling unit was constructed prior to the adoption of the Zoning Act of 1958 and cannot be expected to fully comply with all of the regulations that have been implemented since its construction.

The minimum lot area requirement for dwelling units in the R-1-B zone district is 5,000 square feet. The subject lot is only 4,060 square feet, which is 940 square feet below the minimum lot size. The minimum width of lots in the referenced zone is 50 feet, where the subject lot width is only 40 feet, or 10 feet below the minimum required lot width.

One of the intended applications of subsection 223 is to provide housing modification relief for owners of dwellings that pre-date zoning. If property owners in the R-1 zone district could not obtain relief from the BZA, when there is a need to make modifications to structures that pre-date, it would have a negative affect on neighborhood stabilization and cause some out-migration. The granting of the requested special exception to allow for a small addition to such a dwelling is an appropriate application of this special exception provisions.

Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

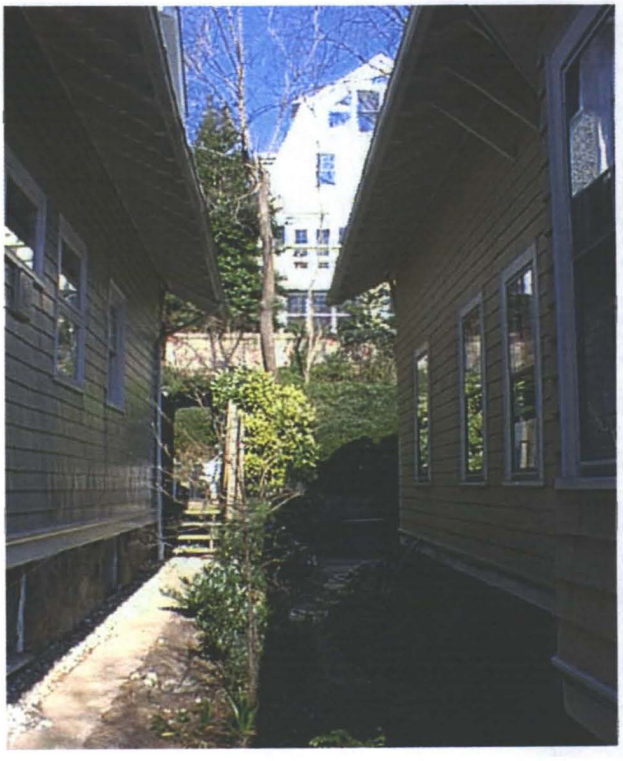
No. The proposal by the Suskinds to create more kitchen space in their home has not been objected to by other property owners on the 2900 block of Macomb Street, or property owners on square 2082. **All** of the houses on the square pre-dates zoning and many are in the same situation (need for more space) as the applicant. OP is not aware of any expressions in the community that the proposed addition would adversely affect the neighborhood.

§223.1 - An addition to a one-family dwelling or flat, where a flat is permitted, that does not comply with all the requirements of §§401, 403, 405 or 406 of this title 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 of or enjoyment of any abutting or adjacent dwelling or property; in particular;

(a) Will the proposed addition affect unduly the availability of light and air to neighboring properties?

No. The 2900 block of Macomb Street, N.W. is oriented east/west. Therefore, structures on the block are oriented north/south. The orientation of the rear of the properties is to the south, which will provide sunlight to adjacient properties with no interference from the proposed addition. As can be seen from this picture, the houses abutting to the rear are elevated and will not be affected at all.



The existing house is a 1 1/2 –story 20th century wood frame bungalow. The proposed addition would be an 84 square foot (14' wide & 6' deep) one-story kitchen, which would be constructed over an existing deck to the rear of the structure. The units on both sides of the subject unit are both two-stories in height. The difference in the height of the proposed addition, when compared to the height of the units on either side should minimize the effect on availability of light and air to neighboring properties.

(b) Will the addition unduly compromise the privacy of use and enjoyment of neighboring properties?

No. There will not be windows on the east side of the proposed kitchen, thereby eliminating any possibility of disturbing the privacy of the neighbor on that side of the property.

A common driveway separates the unit on the west side of the subject property, which is at least 20-feet in width. There is also a gate to the rear of the driveway that serves as a privacy barrier. Further, there is no public alley to the rear of the properties which front on Macomb Street. This area is rather dense with mature trees. The trees serve as an additional privacy amenity.



(c) Will the addition, together with the original building, as viewed from the street, alley, and other public way, substantially visually intrude upon the character, scale and pattern of houses along the street frontage?

No. The proposed kitchen addition will be to the rear of the subject property. There are no alleys or other public ways to the rear of the houses on the 2900 block of Macomb Street, N.W., and the



elevation of the block slopes substantially from the rear of the units, down to Macomb Street. Therefore, the only public view of structures on the block is from the street. These situations practically eliminate any view of the addition from any public way.

(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 relation of the proposed addiction to adjacent buildings and views from public ways.



The applicant has presented to OP plans, photographs and section drawings sufficient to represent the relation of the proposed addition to adjacent buildings and views 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.

The combination of the existing amount of lot occupancy and the new addition is 41.3% of lot occupancy. This is a deviation of 1.3% above the maximum percentage of lot occupancy (40%) permitted in R-1-A, R-1-B and R-2 zone districts, as a matter-of-right. However, under the provisions of special exception, subsection 223, the application is allowed up to 50% percent of lot occupancy.

COMMENT COMMENTS

The applicant is scheduled to present the project to Advisory Neighborhood Commission (ANC) 3-C, at its regularly monthly meeting, to be held on February 28, 2002.

The proposed kitchen addition was presented to the Cleveland Park Historic Society, Architectural Review Committee (ARC). Members of the ARC made a site visit and had no objections to the proposed kitchen addition.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Gerald & Mary Jane Suskind, requesting a special exception to permit a small kitchen addition to their home, the Office of Planning recommends that the Board **approve the application**. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, and 223 and concluded the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The subject dwelling is in the ***Cleveland Park Historic District***. The Historic Preservation Review Board (HPRB) must approve any structural modifications to either the interior or exterior of the building. The HPRB **approved the conceptual design** for the project in April 2001. The Board delegated final approval to the HP staff, as long as the applicant complied with several changes incorporated in the design.