GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: October 8, 2002

SUBJECT: BZA Application #16925 (Katherine Novitch)
3558 Albemarle Street, N.W. (Square 1970, Partial Lot 907)

APPLICATION

The application by Katherine Novitch requests, approval of a special exception for an addition to single-family dwelling in a R-1-B Zone, pursuant to 11 DCMR §3104.1 and subject to the standards outlined in 11 DCMR §223, Additions to One-Family Dwellings or Flats.

PROPOSAL

The applicant proposes to add a two-story addition and replace an existing deck in the rear of an existing single-family dwelling. Because the dwelling was built in 1911, the lot and structure do not comply with minimum requirements for lot width and side yard. The applicant is requesting a special exception from the lot width (section 401) and side yard (section 405) requirements.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval of the application.

SITE AND AREA DESCRIPTION

The subject property is located in the Ward Three neighborhood of North Cleveland Park at 3558 Albemarle Street, N.W. The dwelling is situated on the south side of Albemarle Street, N.W. The neighborhood is developed to the north, south, east and west of the property with predominantly single-family detached houses. Connecticut Avenue, N.W is located farther east and has several large apartment buildings and numerous commercial establishments.

BZA
Case No. 16925
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16925
EXHIBIT NO.22

The subject lot is 7,779 square feet in area, 45 feet wide and currently developed with an approximately 2,000 square feet two-story building. The subject dwelling was built in 1911. Currently, there is no west side yard. The east side yard is over 8 feet in width and the back yard is currently 130 feet in depth. In general, the applicant's property has an unusual topography. The back yard is one-story lower in grade that the adjacent properties along the west lot line and Albemarle Street.

The applicant plans to construct a two-story addition to the rear of the house and to replace the existing wooden deck and stairs. The proposed addition will be one-story above grade of the applicant's back yard and will be the same elevation as adjacent properties along the west lot line. When completed, the addition will extend the west side of the dwelling 5 feet beyond the existing bay to a distance of 3 feet from the west lot line. However, the deck and stairs will be replaced in virtually the same location maintaining no side yard on the west. Even though the addition will extend the east side of the dwelling, most of the changes are oriented on the west side of the house to preserve a large Tulip Poplar.

ZONING REQUIREMENTS

The subject site is in an R-1-B zoned district. The R-1-B district is designed to protect quiet residential areas developed with single-family detached housing. The R-1-B district permits matter of right development of single-family dwellings, churches, and embassies. The proposed addition will comply with the R-1-B development standards with the exception of lot width and side yard as shown below:

Table 1

	Required	Existing	Proposed
Lot Area	**5,000**	**7,779**	**7,779**
Lot Width	**50 ft.**	**45 ft.**	**45 ft.**
Lot Occupancy	**40% max.**	**25%**	**32%**
Floor Area Ratio	**NA**		
Height	**40 ft.**	**34 ft.**	**34 ft.**
Side Yard	**8 ft.**	**8 ft. (east)** **0 (west)**	**8 ft. (east)** **0 (west)**
Rear Yard	**25 ft.**	**130 ft.**	**117 ft.**
Parking	**1**	**1**	**1**

ANALYSIS OF REQUESTED ZONING RELIEF

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

223.1 - An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

As stated above, the subject structure was built in 1911. As a result, the existing lot and structure does not comply with requirements for lot width under section 401 and for side yard under section 405. The width of the lot is 45 feet instead of the 50 feet required. Section 405 requires a minimum of an 8 foot side yard. The existing east side yard is 8 feet. However, as measured from the west lot line to the raised wooden walkway, there is no west side yard. The proposed addition of an enlarged deck will replace the existing deck in the same location at the west lot line.

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 proposed two-story addition will extend the entire rear of the house approximately four feet but will not cause any significant change to the east side of the property or side yard in order to save a large tree located to the east at the rear of the property. Since the proposed addition and replacement deck and stairs will be oriented towards the west side of applicant's dwelling, properties to the west of the applicant's property, specifically lots 874, 878 and 73, have the most potential for impact. However, in OP's opinion, the light and air of these adjacent properties shall not be unduly affected by the proposed addition for the following reasons.

Lot 878 is a vacant lot owned by the residents of 3566 Albemarle and is used as a back yard. As stated previously, the applicant's existing lot is non-conforming as no west side yard currently exists between the applicant's lot and Lot 878. There is an existing approximately two-foot wide wooden deck and stairs on the west side of the house that extends to the lot line. Thus, with respect to the west side of the lot, the proposed addition would only continue a condition that has already existed for many years.

The applicant states that there would be a three-foot side yard from the dwelling and the west lot line. However, OP notes that the Zoning Regulations define a side yard as, "a yard between any portion of a building or other structure and the adjacent side lot line, extending for the full depth of the building or structure." Since the deck is a structure, the side yard should be measured from the deck and stairs and not the dwelling to the west lot line. In this instance, the deck and stairs would extend beyond the actual dwelling. Taking into consideration the Zoning

Regulations definition of side yard does not change OP's opinion that the proposed addition will not unduly affect light and air of Lot 878. Moreover, the applicant's back yard is 130 feet long and the rear property line will be 117 feet in depth after the addition.

Lot 73 is adjacent to the proposed addition in that its back yard abuts the common property line. The front of Lot 73 faces 36th Street, NW. There is a steep hill and numerous trees that serve as a buffer between the two properties. As a result, the applicant's back yard is barely visible from the back yard of Lot 73. Further, the portion of the addition that would be closest to Lot 73 is the wooden deck and not a large structure. Again, in OP's opinion, the proposed addition would be barely visible from the back yard of Lot 73 and would not unduly affect the light and air of Lot 73.

Finally, the proposed addition would come close to the rear property line of Lot 874. Lot 874 faces Alton Place, NW. In OP's opinion, Lot 874 has the least potential for impact on light and air by the proposed addition. The rear property line of Lot 874 is far enough away from the new deck and there are numerous trees and shrubbery that serve as a buffer between the two properties. Further, because the house on Lot 874 is approximately 60 feet from its rear property line, the new construction should not unduly affect the light and air of Lot 874. Also note that the applicant owns the guest house at the rear of its lot located directly adjacent to Lot 874. According to the applicant, the guest house has been vacant for 40 years and there are no plans to occupy it at this time.

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

For all the reasons stated above, OP does not believe that the proposed addition will unduly compromise the use and enjoyment of neighboring properties.

(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 subject street frontage; and

In OP's opinion, the addition shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. The addition would not be visible from Albemarle Street because the additions are to the rear of the house and will not extend beyond any existing structure. The addition would not be visible from 36th Street because of the hilly topography, numerous trees and vegetation, and houses along 36th Street. The addition will only be seen from the back yards of these houses and would not be much different than what currently exist. Further, as stated before, the applicant would be adding a two-story addition similar to other properties in the area. The addition would be on the same grade as neighboring properties and therefore consistent with the character and scale of other properties in the area.

Although OP believes that the addition may be visible from Alton Place, in OP's opinion, the effect will be minimal for the following reasons. First, the applicant's lot is extremely large and extends from Albemarle Street to Alton Place. The back yard is approximately 130 feet deep. Any view of the addition from Alton Place would be over 130 feet away and not appear much different that what currently exists. The addition is designed to integrate into the existing house. Second, the applicant owns the only other structure at the edge of its lot near Alton Place. The structure is a guest house that has been vacant for over 40 years.

> ***(d) In demonstrating compliance with paragraphs (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 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 subject project with addition will have a conforming lot occupancy of 32%.

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.

OP agrees with the ANC's conclusion to encourage preservation of the mature Tulip Poplar and supports the applicant's re-design to preserve the tree.

223.5 - This section may not be used to permit the introduction or expansion of a nonconforming use.

The residential use of the building is a conforming use.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject area in the *Low Density Residential Land Use Category*. Single-family detached houses are the predominant use in this land category.

Section 3104.1

The standard by which the BZA should approve a special exception is set forth in Section 3104.1 of the Zoning Regulations. The following demonstrates how the proposed addition has met these standards:

> ***. . . special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.***

The granting of the requested special exception to allow for the addition to the single-family dwelling on a non-conforming lot is an appropriate application of the special exception provisions.

COMMUNITY COMMENTS

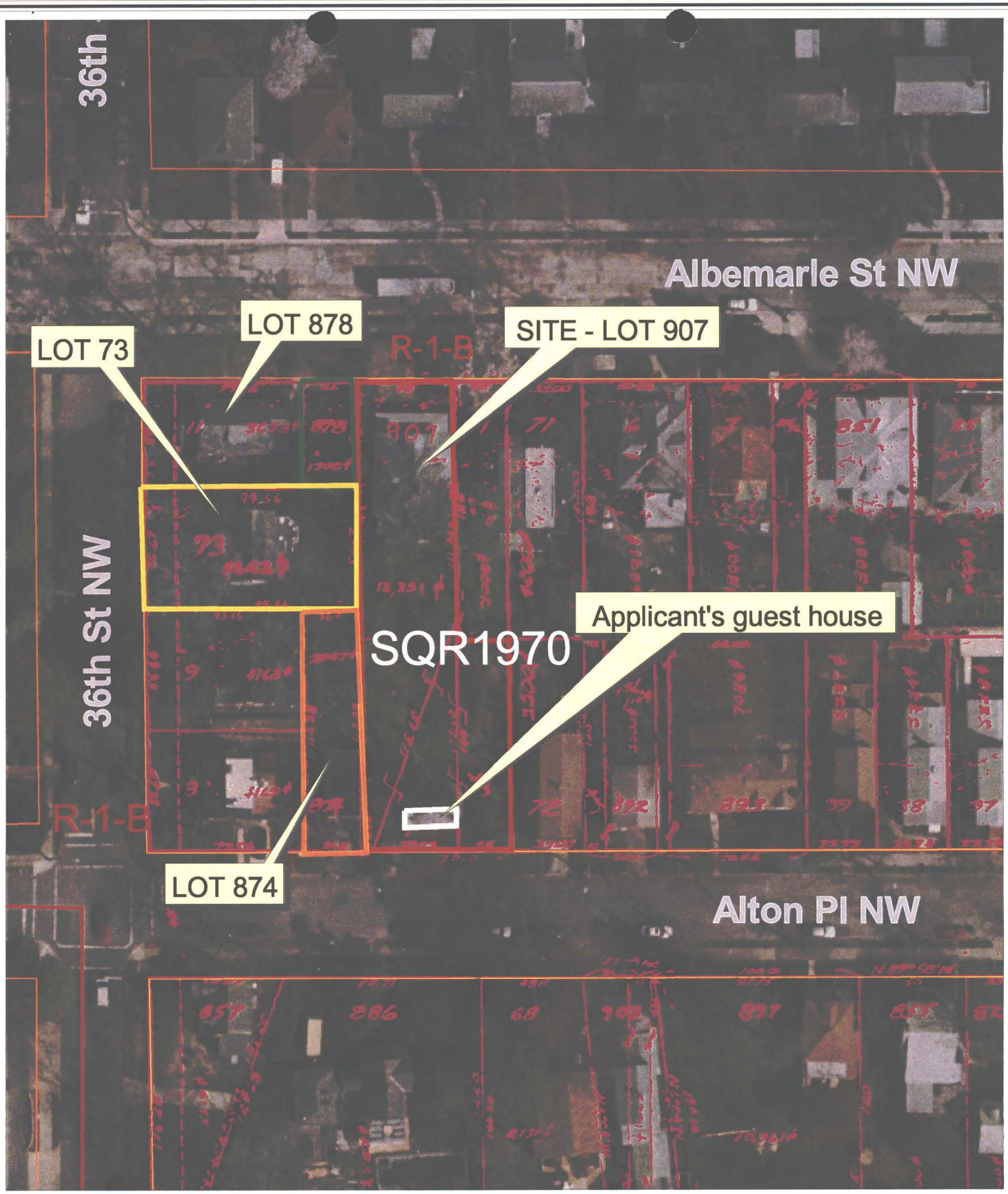
ANC 3F approved the application on September 17, 2002 on the condition that the applicant develops a strong tree preservation plan for the Tulip Poplar. The applicant has agreed to the ANC's condition. The ANC has also contacted the adjoining property owners and residents and received no objection to the proposed addition.

SUMMARY AND RECOMMENDATION

The Office of Planning recommends that because, (1) the subject dwelling is situated on a nonconforming lot, (2) the proposed addition would not substantially compromise or visually intrude upon the character and scale of houses along the street frontage, or (3) the proposed addition would not compromise the use and enjoyment of neighboring properties, that the special exception be **APPROVED.**

ATT: Attachment A - Aerial Map
Attachment B – Photos

AA/vr



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. #16925

DC Office of Planning
October 8, 2002

Scale 1:739

25 0 25 50

Attachment 1

Photographs – Attachment B



Front of house at 3558 Abelmarle Street, N.W.



View of east side yard from Abelmarle Street looking south towards rear of house.



View of west side yard from front of house looking south towards rear.

Photographs – Attachment B


View of west side yard closer to rear of house and adjacent to Lot 878.


View of west side yard from rear deck looking north towards Abelmarle Street.


View of existing bay, deck, and Tulip Polar at site of proposed addition.

Photographs – Attachment B


View from existing deck towards back yard facing south. This is view of house on Alton Place.


View from deck of applicant's back yard facing south.


View of Lot 878 from deck facing west.

Photographs – Attachment B


View of Lot 878 from deck facing west.


View of Lot 73 from deck facing south west.


View of Lot 73 from deck looking south west.

Photographs – Attachment B



View from deck facing south west towards Lots 73 and 874.