GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman

DATE: December 3, 2002

SUBJECT: BZA Case 16956 Special Exception and Variance Request

APPLICATION

The application by Mr. & Mrs. Marc Raphael, pursuant to 11 DCMR §3104.1, for a special exception to allow the construction of an addition to a single-family dwelling under §223, not meeting the side yard requirements (Section 405), and pursuant to 11 DCMR §3103.2, a variance to allow the construction of an open deck occupying the side yard under Section 2503.2, in the R-3 District at premises 2901 29th Street, N.W. (Square 2106, Lot 16).

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends **Approval** of the subject application.

SITE AND AREA DESCRIPTION

The subject premises are in the Woodley Park Neighborhood of Ward 3. Cortland Place, N.W., generally bounds the site to the north, Cathedral Avenue is to the south, 28th Street is to the east and 29th Street is to the west. The subject dwelling is in Square 2106, which consists mostly of semi-detached dwellings. The closest commercial area, to the subject dwelling is approximately four blocks to the northeast at Connecticut Avenue and Calvert Street.

Most of the dwellings on Square 2106 were constructed between 1900 and 1936, and thus many predate the adoption of the Zoning Act of 1958 and do not fully comply with the current zoning regulations. The two and a half story dwelling subject structure was built in 1926 of brick veneer and stucco material, as a single-family semi-detached dwelling. It is currently a two and one half story dwelling made of brick and stucco materials.

BZA
Case No. 16956
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16956
EXHIBIT NO.22

There is a 16-foot north-south public alley to the rear of the block that starts at Cortland Place, extending south along the rear of the block and ending at 28th Street near the intersection at Cathedral Avenue. Many of the dwellings on the east side of the 2900 block of 29th Street, and the west side of the 2900 block of 28th Street already have rear additions.



APPLICANT'S PROPOSAL

The applicant seeks Board approval to make a six-foot addition to the rear of the existing semi-detached, single-family dwelling. The room to be modified is a small one-story den, which is approximately 152 square feet. The den space measures 20 feet in width and 8 feet in depth. The applicant further proposes to modify an existing rear deck, (which is 8 feet in length by 19 feet in width) by extending it an additional 6 feet in length and 17.5 feet in width. The new calculations for the deck will be 257 square feet.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject area as ***Moderate Density Residential***. Row houses and garden apartments are the predominant uses in areas designated as moderate density. This category may also include low-density housing.

ZONING ANALYSIS

The subject premise are in the R-3 District. The R-3 districts are designed essentially for row dwellings, but include row dwellings that are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwellings.

The irregular shape of the subject lot makes it difficult for the applicant to achieve the proposed extensions, without relief from the Board. The lot shape and the driveway location on the lot present practical difficulties in constructing both the den and deck extensions. The subject property is characterized by its irregular wedged-shape. The front of the property is 39.50 feet in width, but the rear narrows to only 18 feet. The northwest corner of the existing rear yard addition is currently 6 feet off the north property line. By extending the northwest wall six feet for the proposed addition, the northeast corner of the den will be within the five-foot side yard setback area, which is already non-conforming. If the new rear addition were off set, thereby enabling the rear corner to be located five or even eight feet off the northwest side of the property line; the supporting structure would be within the existing driveway.

In order for the applicant to construct the proposed addition, the Board of Zoning Adjustment must grant relief from the following sections of the Zoning Regulations:

§223 Additions to One-Family Dwellings or Flats (R-1)

One of the intended applications of Subsection 223 is to provide housing modification relief for owners of dwellings that pre-date zoning. 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. The subject single-family dwelling will remain owner occupied by the applicant. The expansion of the den and open deck will yield to the applicant, more livable interior space and an adequate outside leisure space.

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 §3103.2 of Chapter 31 of this title, subject to the provisions of this section.



East view existing deck.

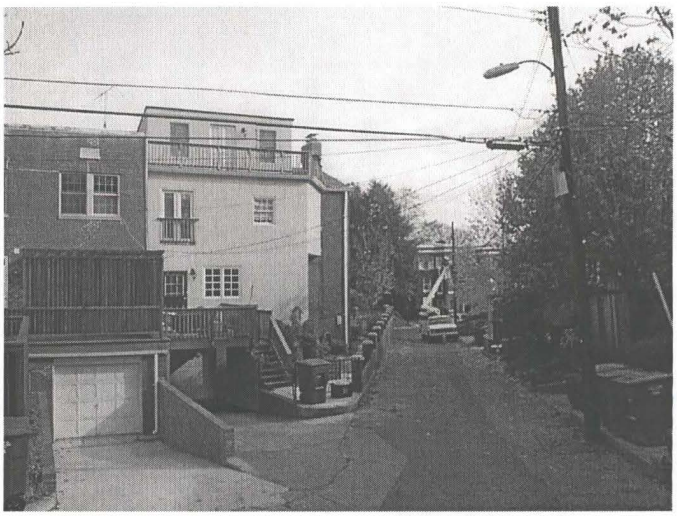
§223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring property shall not be unduly affected.

The light and air available to neighboring property will not be unduly affected, if the Board approves the subject application. The dwellings on the 2900 block of 29th Street are orientated east west and thus, benefit from maximum AM and PM light. Additionally, the houses on the opposite side of the alley, (which fronts on the 2900 block of 28th Street) are mostly two and three-story structures that are on an elevation too low to obstruct light from entering neighboring properties on the subject block. Many of the dwellings on the east side of the 2900 block of 29th Street, and the west side of the 2900 block of 28th Street already have rear additions. The proposed addition is only one-story in height.

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

The proposed expansion of both an existing den and open rear deck will not unduly compromise the privacy of use and enjoyment of neighboring properties. The applicant has the support of the



East view rear additions 2900 block of 28th St.

immediate neighbors on both sides of the subject property, as well as general support through out the neighborhood.



West view rear additions 2900 block of 29th St.

(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.

The proposed rear addition will not be visible from 29th Street, because the subject dwelling is semi-detached on the south side, and the den/deck additions will align on the north side with the existing structure. The applicant has the support of the immediate neighbors. The addition/deck will be partially visible from the alley, but many of the dwellings on the east side of the 2900 block of 29th Street, and the west side of the 2900 block of 28th Street already have rear additions.

(d) In demonstrating compliance with this subsection, the applicant shall use graphical representations such as plans, photographs or elevations and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.

The applicant will use graphical aids to demonstrate the relationship of the proposed den/deck additions 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.

The percent of lot occupancy permitted in the R-3 district, for row dwellings is sixty percent. After the den is expanded, the subject dwelling will occupy 35.36 percent of the lot.

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.

It is OP's opinion that the proposed additions will not require special treatments to protect adjacent nearby properties. The owners of neighboring properties support the applicant's proposed den/deck expansions. The den addition will be built on a line consistent with the existing dwelling, and will not be visible from 29th Street. The height of the deck expansion will be slightly less than 4 feet, which is consistent with the height of many of the decks on the block. The addition will only be partially visible from the alley, because there is an abundance of nature vegetation between the addition and neighboring properties.

§2503 Structure in Required Open Space

§2503.2 a structure, not including a building, no part of which is more than four feet (4 ft.) above the grade at any point may occupy any yard required under the provisions of this title. Any railing required by the D.C. Building Code shall not be calculated in the measurement of this height.

The existing deck to be modified currently extends to the property line on the north and is 3.75 feet above grade.

§3104.1 Special Exception

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

Yes.
The proposed rear addition and deck extension to the semi-detached dwelling at 2901 29th Street 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 addition to an existing den, and a six-foot extension to the remaining open deck. The proposed den expansion will cover approximately six feet of the existing deck area. The applicant desires to restore that portion of the deck that will be included in the den project, by adding 6feet to the end of the remaining deck. The extension will restore the deck to its original size.
West view deck extension area/existing den.

§405.8, In the case of buildings existing on or before May 12, 1958, with a side yard less than eight feet (8ft.) wide, an extension or addition may be made to the building, provided, that the width of the existing side yard shall not be decreased, and



provided further, that the width of the existing side yard shall be a minimum of five feet (5ft.).

The subject dwelling existed prior to the adoption of the Zoning Act of 1958 and does not fully comply with all of the regulations that have been implemented since its construction. The percent of lot occupancy requirement for dwelling units in the R-3 district 60%. The subject dwelling, including the proposed additions will occupy approximately 35.36 percent of the subject lot. The rear yard requirement in the R-3 district is a minimum of 20 feet. The subject property rear yard will average 25 feet. One-family, semi-detached dwellings are required to have a minimum side yard depth of 8 feet. At its narrowest point, the side yard (northeast corner of the property) will be only 4 feet from the northern property line, when the proposed den expansion and the deck replacement are completed. This is because of the irregular wedged shape of the property. The front of the property is 39.50 feet in width, but the rear narrows to only 18 feet. The northwest corner of the existing rear yard addition is currently 6 feet off the north property line. By extending the northwest wall 6 feet for the proposed addition, the northeast corner of the deck will be within the 5-foot side yard setback area, which is already non-conforming. If the new rear addition were off set, thereby enabling the rear corner to be located five or even 8 feet off the northwest side of the property line; the supporting structure would be within the existing driveway.

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

No. The requested special exception will not adversely affect the use of neighboring property. Many of the dwellings already have rear additions, including open/closed decks, back porches, balconies or porticos. The applicant, in this case, has the support of the immediate neighbors on both sides of the subject property, as well as general support through out the neighborhood. The neighbor to the south has added an addition within the last five years.

§3103 Variances

The applicant made a presentation to Advisory Neighborhood Commission (ANC) 3C vote to approve then/deck addition, at its October 28, 2002 monthly meeting.

OP RECOMMENDATION

After having reviewed the application requesting a special exception to allow an addition to an existing single-family dwelling in the R-3 district, and a is it a variance to permit an addition to an existing rear deck serving a single-family dwelling, which is below 4.0 feet in height to occupy the 4.0 feet minimum side yard setback required in the R-3 district, the Office of Planning recommends that the Board Approve the application. The Office of Planning finds that the application has addressed the special exception requirements under §223 and 409.5, and the variance requirements under 2503.2 and has met the burden of proof under §3104.1 and §3103.2 of the Zoning Regulations. OP therefore concludes that approval of the application would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.