GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

D.C. OFFICE OF ZONING
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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE March 18, 2003

SUBJECT: BZA Application **16996**– Block Addition
3348 Military Road, N.W.

APPLICATION
Pursuant to §223 and the provisions of §404.1, the applicant is requesting a special exception to allow an addition to a non-conforming single-family residence not meeting the rear yard setback requirement of 25 feet and 5,000 square feet lot area in the R-1-B zone District.

SUMMARY RECOMMENDATION
The Office of Planning concludes that the application could meet the standards for approval of the special exception subject to the resolution of the parking issue.

If the Zoning Administrator determines no parking variance is needed OP recommends approval of the application. If the ZA determines otherwise, OP will submit a supplemental report.

SITE AND AREA DESCRIPTION
The subject property is located in Square 1991 in the northwest quadrant of the District and the lot is situated on the northeast corner abutting Military Road and Nevada Avenue, N.W. The lot is developed as a two-story single-family brick residence with a basement. The surrounding properties are similarly developed with single-family structures and zoned R-1-B.

PROJECT DESCRIPTION
The applicant proposes to remove an existing old attached garage with addition and construct a new west wing of the home, maintaining the required side yard setbacks for the R-1-B zone District. As a corner lot, the property is subject to the building restriction and setback lines abutting Nevada Avenue and Military Road. The proposed western

BZA
Case No. 16996
Exhibit No. 25

Board of Zoning Adjustment
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EXHIBIT NO. 25

extension in the side yard parallel to Nevada Avenue will not exceed the building restriction line, which is setback 15 feet from the property line. The existing building predates the Zoning Act of 1958 and the applicant is seeking special exception relief from the rear yard requirement, since the existing rear yard is non-conforming. The proposed addition while not expanding the non-conformity, still requires relief from the strict provisions of §404.1

A 124 square foot basement expansion is also proposed to the eastern side of the house that meets all area requirements and needs no relief.

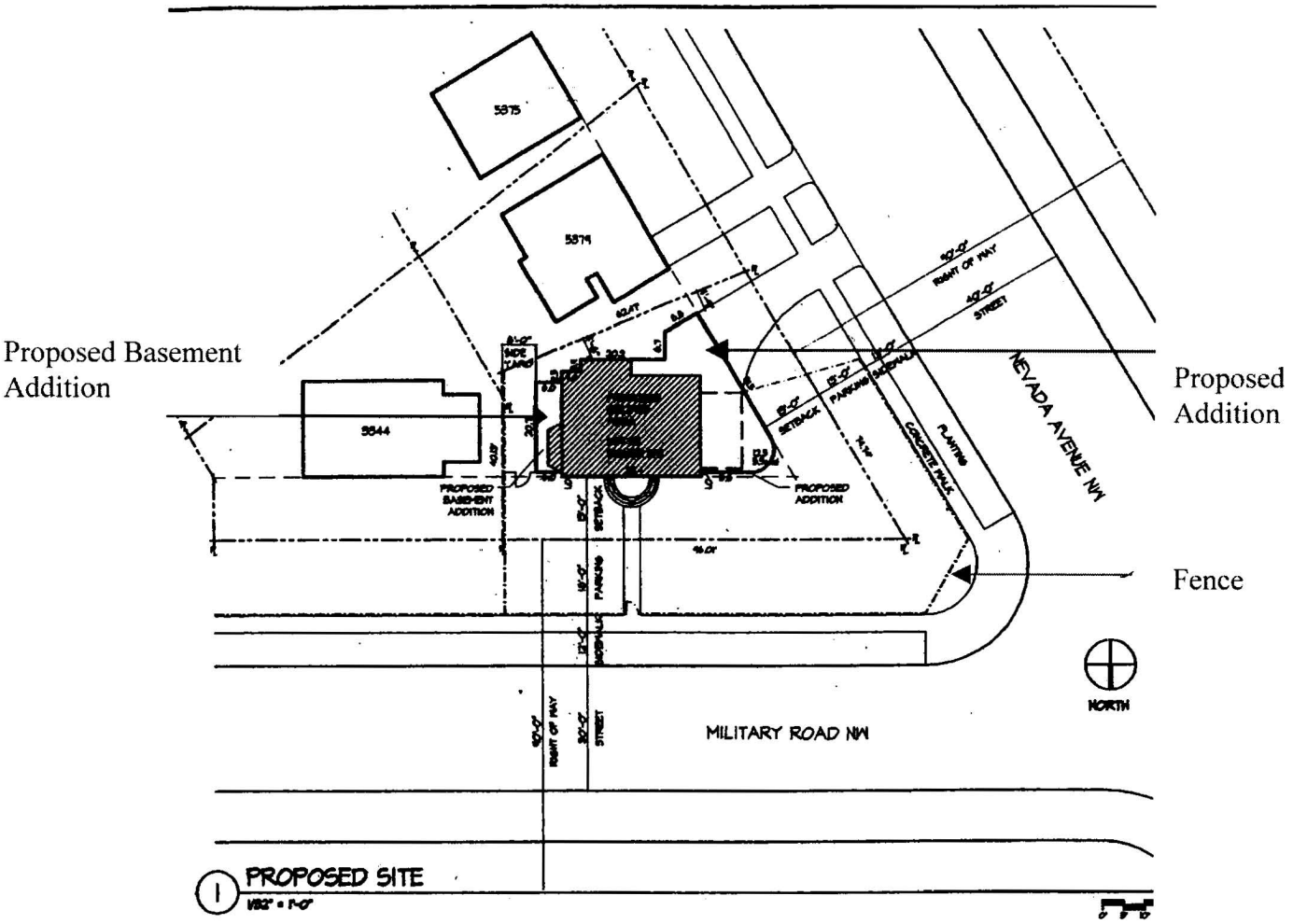


Figure 1 - Proposed Addition - 3348 Military Road

ZONING REQUIREMENTS and ANALYSIS

For an R-1-B zone District, the minimum rear yard setback requirement is 25 feet. The current rear yard measurement is irregular, since the rear portion of the house is not a straight line, which parallels the property line. The Zoning Administrator confirmed with

OP that the rear yard measurement in this instance would be taken as the narrowest point between the existing structure and the property line, which measures 4'6" according to submitted plans.

Item per §404	Existing Condition	Allowed	Proposed	Deviation
Lot Occupancy **(§403.2)**	27.7%	40%	35.5%	None
Side Yard **(§405.9)**	11'3"(east) 15' (west)	8' 0'	8' east 15' west	None None
Rear Yard **(§404.1)**	4'6"	25'	4'9"	-21'9"
Lot Area **(§401.3)**	4,238 Sq. Ft.	5,000 Sq. Ft.	None	None

From the above table, no other provisions except the rear yard and lot occupancy are affected by the proposed addition to the residence. However, The Zoning Administrator has indicated that a variance may be necessary from the parking requirements.

The applicant is requesting a special exception from the rear yard and lot area requirement, to allow an addition to a nonconforming structure devoted to conforming use.

Special Exception Relief

Relief is requested from the requirements of § 404 provided the lot occupancy of the dwelling does not exceed 50% in the R-1-B districts, subject to the requirements as identified in 11 DCMR §223 as follows:

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

This expansion is a single story addition, including a basement to an existing structure and a new family room (9'9"'x 19'). There will be no adverse impact on current light conditions, as no shadows will be cast by virtue of the subject property's position north of the adjacent property at 5379 Nevada Avenue. There are no windows on the first floor of the residence at 5379 Nevada Avenue, which side yard adjoins the rear yard of the subject property. Both side additions do not expand in width beyond existing structures and the building restriction lines to prevent the circulation of air for the neighbor along Nevada Avenue. The east addition maintains the required 8 feet side yard setback.

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

The existing structure is a corner lot property with neighbors to the rear and western side yards. The expansion affects the sides and rear of the residence and does not decrease the existing measurements of the yards. The side yard to the east of the property will remain intact, providing an adequate buffer area between the property owners, and the height of the extension does not exceed 8 feet, maintaining the current privacy of use and enjoyment of the neighbors on 3344 Military Road. The western side yard has no abutting property, which can be affected by this addition.

No windows are proposed to the rear of the addition, which abuts the residence at 5379 Nevada Avenue. A privacy fence and mature trees screen the property.

(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.*

The proposed addition will not cause any visual intrusion from the frontage along Nevada Avenue and Military Road since the design is not out of character with existing properties in the immediate area. The building is not proposed beyond the building restriction lines, in keeping with other residences along Nevada an Avenue and Military Road. The portion of the addition, which abuts the rear yard does not exceed the existing setback of 4'6", and maintains an average distance typical of residences that front Nevada Avenue. There are no alleys abutting the property. Therefore, OP believes that the completed structure will not visually intrude on the character of the neighborhood.

(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 applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

Other Issues:

Parking Requirement

According to the submitted plans, OP noted that the existing parking garage was eliminated by the proposed design. The applicant informed OP that parking was proposed off Nevada Avenue within the 15 feet setback between the property line and the building restriction line. **§2116.2 states**:

> *Parking spaces shall be located in one (1) of the following ways:*
> *(a) Within a permitted garage or carport, subject to the special provisions of chapter 23; or*
> *(b) On an open area of the lot as follows:*
> *(1) Within a rear yard;*
> *(2) Within a side yard; or*
> *(3) Except in an SP District, elsewhere on the lot if accessory to a commercial or industrial use.*

However, §2116.4 stipulates "*required parking spaces shall not be located in the area between a building line*[1] *and lot line abutting a street.*" Also, the applicant could not

[1] The Office of the Surveyor has agreed that the building line and the building restriction line are synonymous.

seek special exception relief to locate the carport in this area according to §2116, which states:

> *Except as provided in § 2117.9, if approved by the Board of Zoning Adjustment pursuant to § 3104 for special exceptions, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere,* ***except in the case of a one-family dwelling****, in accordance with §§ 2116.6 through 2116.9.*

In addition, although the existing structure may have existed prior to the Zoning Regulations, **§2100.10** states:

> *In the case of a building or structure for which the Zoning Regulations now require more parking spaces than were required when the building or structure was built, the following shall be required:*
> *(a) If the existing number of parking spaces now provided is less than or equal to the minimum number of parking spaces now required by this chapter,* ***the number of parking spaces cannot be reduced;***

Therefore, the Zoning Regulations do not support the location of the proposed parking as submitted, as well as a waiver from the off-street parking requirement in this zone, which requires 1 space for each one-family dwelling in all residence districts. In this instance, OP recommends redesign of the proposal to include a parking space.

Home Occupation:
OP acknowledges the concern community members may express concerning the expansion of the residence, particularly as the applicant possesses a home occupation permit. §203.4 (b) states that: *Except as provided in §§ 203.7(c) and 203.8(d), no more than the larger of two hundred fifty square feet (250 ft.2) or twenty-five percent (25%) of the floor area of the dwelling, excluding basement or any accessory structure, shall be utilized in the home occupation.*
§203.7(c) establishes the current use as follows:

> *Painting, sculpturing, writing, composing, photography, or other fine arts occupations practiced by an individual in a home studio; provided, that no more than sixty percent (60%) of the floor area of the dwelling unit may be devoted to the studio;*

OP understands that the applicant dedicates the existing basement space to home occupation use as a studio used for food photography. No chemicals are kept on site as all film development is commercially produced. In addition, no additional traffic is expected since clients are met off-site. The applicant informed OP that the space increase was needed for on-site photography purposes, including lighting and spatial aspects, which did not involve any film development or storage of chemicals, or increased traffic to the site. No more than 60% of the floor area of the dwelling unit is proposed for the home occupation. The increased space represents and additional 330 square feet of fllor space to the home.

OP is not concerned with the validity of the home occupation permit since the requirements of **§203** are not violated and the proposed addition satisfies the requirements of §223.

COMMUNITY COMMENTS

The applicants met with ANC3G on Monday, March 10th to discuss their proposal. The ANC has voted not to support the application as submitted.

The applicant has indicated support from neighbors immediately surrounding the property and will provide signatures of support at the hearing.

CONCLUSION

The Office of Planning concludes that the application could meet the standards for approval of the special exception subject to the resolution of the parking issue.

If the Zoning Administrator determines no parking variance is needed OP recommends approval of the application. If the ZA determines otherwise, OP will submit a supplemental report.


R-1-B
Site
Military Road NW
Nevada Ave NW
15'
1991
1990
Nevada Ave N
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. 16996
DC Office of Planning
March 3, 2003
Scale 1:447
N
50
0
50 Feet