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
Director

DATE: July1, 2003

SUBJECT: **BZA** Application 17036 – Request for **Special Exception** relief pursuant to **§223** for a proposed addition to the single family home at 1247 35th Street, NW, in the R-3 residential zone district; filed by Stephen and Meredith Peterson, owners.

APPLICATION
Special exception relief pursuant to §223 of Title 11 DCMR to permit the construction of an addition to a single family dwelling at 1247 35th Street, NW. The requested relief would allow the construction of a 35 square foot addition along the side of the property filling in the existing side court and permit a lot coverage of 66.33 %.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for special exception relief.

AREA DESCRIPTION
The property is located in the Georgetown Historic District, one of the city's oldest and most architecturally diverse communities. Located in the northwestern quadrant of the District, the neighborhood is predominantly residential row houses dating to the turn of the twentieth century. The two- and three-story houses are oriented toward the street with services and garages typically accessed from a rear alley. The new addition was reviewed and received conceptual approved by the Old Georgetown Board of the Commission of Fine Arts on January 21, 2003. The approval noted that Board of Zoning Adjustment approval was required.

EXISTING ZONING AND RELIEF REQUEST
The property is in an R-3 residential zone. The R-3 zone district is designed essentially for row dwellings, but may also include one family detached and one family semi-detached dwellings.

The minimum lot area required for lots in the R-3 district is 2,000 square feet.
There is no floor-area-ratio prescribed for the R-3 zone.
The maximum matter-of-right lot occupancy in the R-3 district is 60% for row dwellings; Section 223 allows for a lot occupancy of up to 70% as a special exception.

BZA
Case No. 17036
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17036
EXHIBIT NO. 23

Special Exception Relief
The property is developed and used as a one family residence. It is non-conforming due to the existing lot area of only 575 square feet and eligible for zoning relief under §223:

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 §3104 of Chapter 31 of this title, subject to the provisions of this section.

The Zoning Administrator's office provided the following information regarding the property and the needed zoning relief.

Section	Item	Restriction	Provided	Deviation
401	Lot Area	2,000 square feet minimum	575 square feet	1,425 sq ft reason for non-conformity
403	Lot Occupancy	60% max	66.33%	6.33%
404	Rear Yard	20 feet	26 feet	0
405	Side Yard	N/A	N/A	0
406	Courts	N/A	0 proposed	3.5 existing

Based on the information provided by the Zoning Administrator's office, the applicant needs relief only to the lot occupancy provision of §403. The maximum permitted lot occupancy for property within the R-3 zone district is 60 %, the proposed addition will result in a site with a total lot occupancy of 66.33 %, a deviation of only 6.33 %. Section 223.3 provides for a lot occupancy of no more than seventy percent (70%) in the R-3, R-4 and R-5 Districts by special exception upon approval by the Board of Zoning Adjustment.

Relief Test
Section 223.2 sets out the standards for relief:

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 addition is proposed at the rear of the lot and there is nothing to suggest that the addition will impair the light or air available to the adjacent neighbors. The property is an east-west lot. The proposed addition will be along the northern property line. The proposed addition will not extend past the existing rear wall of the house and therefore the property to the south will not be impacted.

The adjoining property to the north has submitted a written statement in support of the application. The two properties are already separated by a six-foot privacy fence. Based on the existing narrow width of the lots (12 feet each), the existing two-story construction, and the exceptionally narrow width of the addition (3.5 feet) it does not appear that the proposal will unduly affect the light and air of the neighboring property.

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

The addition will not reduce the privacy or use of the neighbor's property. As stated above, the rear wall of the addition will align with the existing rear wall of the residence. The property on the north does have a window in their side court but their window will not be affected by this proposal. The proposed addition will not have windows or doors facing the adjoining side properties. The rear of the site is adjacent to an alley.

(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 addition will not change the character, scale or pattern of houses along the street. The addition is proposed at the side of the existing house and will not be visible from the street. Photographs from both the street and alley, and an elevation drawing of the side addition, show that the completed structure will not visually intrude on the character of the neighborhood. The Old Georgetown Board reviewed the proposal and approved it by consent agenda in January 2003.

(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 elevation drawings, photographs, and a site plan showing the relationship of the existing house to the proposed addition.

CONCLUSION

Section 223 was initiated at the request of the Board of Zoning Adjustment and adopted by Zoning Commission Order #840 in 1997. Order #840 states that the "[T]he purpose of the amendment is provide a legal basis for making reasonable additions to single-family dwellings where the strict tests associated with an area variance are unattainable." It further states that "[T]he overall goal of the proposal is to provide a degree of flexibility regarding additions, while retaining essential controls related to effects on neighboring properties and neighborhood character."

Based on the information provided, OP concludes that the proposal will have no adverse impact on the adjoining properties, will not intrude on the character or scale of the neighborhood, and will not infringe on the full use and enjoyment of the neighboring properties.

RECOMMENDATION

The Office of Planning concludes that the application meets the criteria of §223 and recommends approval of the application.