GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for
Andrew Altman, Director
Office of Planning

DATE: July 22, 2003

SUBJECT: BZA Case No. 17041
Arthur G. Stewart and Nilva R. da Silva – Special Exception

APPLICATION

The application by Arthur G. Stewart and Nilva R. da Silva requests, pursuant to 11 DCMR 3104.1, a special exception to add an addition to the rear of a one-family dwelling that does not meet the rear yard set backs. The relief is being sough under Sections 223.1 of the Zoning Regulations. The premises are in the R-1-B District.

RECOMMENDATION IN BRIEF

The Office of Planning recommends **Approval** of the requested special exception.

SITE AND AREA DESCRIPTION

The subject premise is in the Friendship Heights neighborhood of Ward 3, Square 1754, and Lot 910. The premise is located at 3920 Ingomar Street, N.W., which is on the south side of the block, three houses from the intersection of 41st and Ingomar Streets. Ingomar Street generally bound the site to the north, Huntington Street to the south, 39th Street to the east and 41st Street to the west. Single-family detached dwellings are the predominant use in this portion of Friendship Heights.

BZA
Case No. 17041
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17041
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HISTORY OF PROPERTY

Most of the residential dwellings on Square 1754 were constructed between 1910 and 1954, which was prior to the adoption of the Zoning Act of 1958. Therefore, many of these dwellings do not comply with all of the zoning requirements that were implemented since their construction. The subject structure is a single-family Tudor style dwelling, originally built of stucco material in 1923. The original dwelling was built with only one bathroom and three hanging closets to serve the entire house.

PROPOSAL

The applicants propose to build an addition to the rear of their single-family detached dwelling. The proposed addition is needed to remedy the lack of multiple bathrooms in the structure and limited closet space, as well as to add another bedroom, and to enlarge the kitchen/living room area. The applicants propose to preserve the singular Tudor style appearance of the structure during the construction of the addition, and to minimize the impact on adjoining properties. There will be no alterations to the front of the structure, minimum changes to the sides (the addition will follow the line of the existing structure on both sides) and the proposed façade will be compatible with the existing rear facade. There is a two car-parking garage at the southeast rear corner of the property and a large mature tree near the west side of the rear yard, abutting the alley. Both the garage and the tree will be removed to make way for the new rear addition.



Proposed addition building footprint.



Rendering of proposed new rear addition.

ZONING REQUIREMENTS

The subject dwelling is in the R-1-B District. The R-1-B district consists of those areas that have been developed with one-family and semi-detached dwellings. The subject dwelling and most of the other dwellings on the 3900 block of Ingomar Street are examples of one-family dwellings, which were

built prior to the adoption of the Zoning Act of 1958.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject site in the ***Low Density Residential Land Use Category.*** Single-family detached and semi-detached housing are the predominant uses.



REQUESTED ZONING RELIEF

REAR YARDS (R)

404.1 – A rear yard shall be provided for each structure located in a Residence District, the minimum depth of which shall be as set forth as follows:

The minimum depth of rear yard in the R-1-B District shall be 25-feet.

The addition will not comply with the rear yard requirements in §404.1 of the Zoning Regulations, (25 ft.). The addition will protrude approximately 14.58 feet into the existing 25-foot rear yard. However, there will be approximately 9.84 feet of rear yard remaining, between the new addition and the south property line with the abutting east west public alley.

The subject site is in the R-1-B district where limited additions to non-conforming one-family dwellings are permitted if approved by the Board of Zoning Adjustment subject to the following provisions Section 223:

§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 proposed addition will not affect unduly the availability of light and air to neighboring properties. There is adequate space on both sides of the subject dwelling to allow for the passage of light and air to neighboring properties. There is 16 feet of side yard on the west of the subject dwelling, and 15.5 feet on east side. Further, the proposed new addition will be on the same building line as the existing structure.



East side, 3920 Ingomar Street N.W., 15.5 foot side yard



West side, 3920 Ingomar Street N.W., 16 foot side yard.

3900 block of Ingomar Street are oriented north south from front to back. The only obstruction to the passage of light on the block is a number of tall mature trees along both sides of the block, as well as on most of the adjacent properties. In some areas of the block, the trees form a canopy, which limits the amount of light that enters houses, especially from the west. The applicant will remove a tree that is located to the rear of the property abutting the alley. The tree is being eliminated because it is in the area where the addition is proposed. Once the tree is removed, more light can enter the subject property and adjoining properties from the west.



Front view, 3920 Ingomar Street N.W.

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

No. *The proposed new addition will not compromise the privacy of use and enjoyment of neighboring properties. Most of the dwellings on the 3900 block of Ingomar Street are built on consistent sight lines in the*

rear along the alley. Mostly all of the rear building lines of dwellings on the south side of the 3900 block of Ingomar Street are consistent. The rear addition proposed for the subject dwelling will extend approximately 15 feet beyond the current rear sight line of the dwellings on both sides. There are also 7-foot privacy fences that separate the subject property from neighboring properties on both sides. The privacy fences also extend along the alley. The addition will not affect movement along the alley.

The 7-foot privacy fence built to the rear of the subject property will minimize view of the new addition from the rear of dwellings which fronts on Huntington Street and share the rear alley. There will be three sets of clerestory windows on the east side of the first floor addition. These windows will be situated high enough on the addition to allow light and air to enter, but limit the view to or from neighboring properties.

(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 new addition will not visibly intrude on the character of houses, as viewed from Ingomar Street, but will be visible from the alley. The new rear addition will follow the same building lines on both sides as the building line of the existing structure and the rear façade will be comparable to the current rear façade. There are also rear extensions on many other houses on the block.*

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

The applicant provided a surveyor's plat architectural renderings and site plan to represent the relation of the proposed addiction to adjacent buildings.

The Office of Planning, after visiting the site has included photographs in its report to further demonstrate the relation of the proposed addiction 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 existing structure and the proposed new addition combined will consume approximately 1, 285.44 square feet or about 25 per cent of the subject lot, which has a lot area of 5,140.8 square feet.

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 requested special will be in harmony with the general purpose and intent of the Zoning Regulations and Map. The subject structure is a single-family detached dwelling in the R-1-B District, a district where one-family detached and semi-detached dwellings are the predominant uses. The subject dwelling and most of the other dwellings on the 3900 block of Ingomar Street are examples of one-family dwellings, which were built prior to the adoption of the Zoning Act of 1958. The applicants plan to build an addition to the rear of their dwelling to alleviate the lack of multiple bathrooms and limited closet space, as well as to add another bedroom, and to enlarge the kitchen/living room area. Section 223 of the Zoning Regulations is designed to provide expansion relief for such dwellings.*

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 in accordance with the Zoning Regulations and Maps. There are at lease 16-feet of side yard between the subject dwelling (proposed new addition included) and the adjoining properties on both sides. Further, there are 7-foot high privacy fences between the subject property and both neighboring properties. The privacy fences, (on all three properties) extend along the alley frontage, thereby providing additional privacy and minimizing adverse impact on neighboring properties. There is also an alley separating the rear yard from the back of houses along Huntington Street.*



Privacy fence(s) both sides of alley.

COMMUNITY COMMENTS

The applicants' proposal to build an addition to the rear of the their single-family dwelling was presented to Advisory Neighborhood Commission 3E (ANC) at its June 12, 2003 monthly meeting. ANC 3E passed a Resolution in support of an application. The ANC Resolution stated

that the applicants had successfully contacted all of their immediate neighbors and had not encountered any resistance to the project.

OP SUMMARY RECOMMENDATIONS

After reviewing the application requesting a special exception to build an addition to the rear of 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 requirements 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.