GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: November 25, 2003

SUBJECT: BZA Case No. 17074
Deborah Gelin – Special Exception

APPLICATION

The application by Deborah Gelin requests, pursuant to 11 DCMR 3104.1, a special exception to allow an addition to a one-family dwelling in the R-3 District as outlined in Section 223.1 of the Zoning Regulations.

RECOMMENDATION IN BRIEF

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

SITE AND AREA DESCRIPTION

The subject property is in the Georgetown Neighborhood of Ward 2, located at 1404 29th Street, N.W., (Square 1258, Lot 809). The property is on the west side of the block, near the intersection of 29th & O Streets. The subject property is developed with single-family semi-detached dwelling.

BZA
Case No. 17074
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17074
EXHIBIT NO. 22

HISTORY OF PROPERTY

The subject semi-detached dwelling was built in 1865, before the adoption of the Zoning Act of 1958. Therefore, the structure does not comply with many of the zoning requirements, such as lot occupancy, etc.



Location of new addition

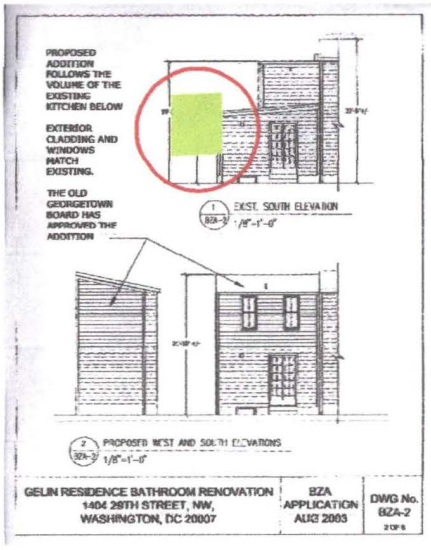
HISTORIC PRESERVATION

The subject site is in the Georgetown Historic District. The Commission of Fine Arts approved the plans for the proposed enlargement of a second-story bathroom in the subject dwelling on April 23, 2003. The Historic Preservation Office signed off on the addition on April 25, 2003. Approval was conditioned upon the applicant placing the rooftop air conditioning unit in an inconspicuous location. The applicant agreed to comply with this condition. The Old Georgetown Board also approved the addition.

PROPOSAL

The applicant proposes to enlarge an existing bathroom located at the rear of the second floor of the dwelling. The dimensions of the extended bathroom will be the same as the kitchen, which is directly below the proposed addition space.

The footprint of the existing structure will remain unchanged when the bathroom is expanded. The expansion will add approximately 96 square feet to the second floor of the structure.



Area of proposed bathroom addition

ZONING ANALYSIS

The subject property is in the R-3 District. The R-3 is designed for row dwellings, but included areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwellings.

The subject dwelling, was built prior to the adoption of the Zoning Act of 1958, and does not meet the lot area, lot width, lot occupancy, nor the rear yard requirements for the R-3 District. The property is therefore non-conforming in the R-3 District.



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Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ November 10, 2003

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Aerial Photo
BZA Application #17074



Attachment 3

Zoning relief for this application is necessary because the proposed expansion of the second floor bathroom constitutes an increase to a nonconforming aspect of the structure.

Section 223 of the Zoning Relations is triggered because, under **§2001.3, enlargements or additions may be made to a structure; provided:**

(a) **The structure shall conform to the percentage of lot occupancy requirements;**

The existing structure consumes approximately 61% of the subject lot. The maximum percentage of lot occupancy in the R-3 District is 40% as a matter-of-right and 70% by special exception per Section 223.3. The expansion of the second floor bathroom will have the same dimensions as the kitchen below and thus will not further increase the percentage of lot occupancy.

(b) **Will the addition or enlargement itself:**

(1) Conform to use and structure requirements?

No. The subject structure does conform to the use requirements, but the new expansion will not meet the rear yard setbacks. Rather it will align with the existing lower level, which has only a 0.62-foot setback.

(2) Either increase or extend any existing, nonconforming aspect of the structure?
Yes. The expansion of the second floor bathroom will extend an existing nonconforming aspect of the structure.

(3) Create any new nonconformity of the structure and addition combined?

No. The new addition will not create a new nonconformity of the structure or addition combined.

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

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, 406, or 2001.3 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.



West view, subject house and attached dwelling on the north.

§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 second floor bathroom expansion, will not affect unduly the availability of light and air to neighboring properties. There is a two-story dwelling to the north of the subject dwelling that already has a two-story rear addition. There are no windows on the south side of that dwelling, adjacent to the portion of the subject structure where the addition is proposed.

The dwelling on the south side is set back a substantial distance from the subject dwelling, and both the side and rear yards have dense foliage and a wooden fence, which create a privacy buffer between the subject property and the neighboring dwelling. Neither the fence nor the foliage are high enough, or set at an angle that would impact light and air provisions to neighboring properties.



Privacy fence/trees between subject property and neighboring property on the south.

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

No. The semi-detached dwelling on the north side of the subject dwelling, is built to the rear to property line, and there are no windows on the south side, adjacent to the subject dwelling. There is dense foliage and a wooden fence at the rear and on the south side of the dwelling on the south side of the subject dwelling. These are appropriate buffers that maintain the privacy and enjoyment of 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 proposed rear addition will not be visible from the frontage on 29th Street, nor intrude upon the character, scale and pattern of houses along 29th Street.



Northwest view, corner of 29th & O Streets.

Currently there is not a public alley at the rear of the subject dwelling, and the area beyond the property line contains mature foliage, which reduces visibility of the rear of the subject structure for neighboring properties. There is a narrow view of the rear of the subject dwelling, from O Street, across the rear yard of the adjoining properties to the south of the subject property at 1402 29th Street. However, mature foliage and a wooden wall serves to screen the proposed addition from view.

(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 elevations, and photographs to represent the relation of the proposed addiction to existing building and to other neighboring properties.

223.3 - The lot occupancy of the dwelling or flat, together with the addition, shall not exceed seventy percent (70%) in the R-3 districts.

The dwelling currently occupies about 61% of the subject lot. Lot occupancy can be up to 70%, if it meets the provisions of §223. The expansion of the second floor bathroom will not increase the percentage of lot occupancy, but it will constitute an increase in a nonconforming aspect of the structure.

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 exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. The subject structure is a semi-detached dwelling in the R-3 District, a district designed for row dwellings, but can include areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings. The referenced dwelling was constructed prior to the adoption of the Zoning Act of 1958, and thus, is grand fathered and non-conforming in the R-3 District. The applicant's plan to build an addition to the rear of the dwelling is in character with additions added to other dwellings on the subject block and in other sections of the Georgetown community. Limited additions to non-conforming, one-family dwellings are permitted in R-3 Districts if approved by the Board of Zoning Adjustment.

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

No. The requested special exception will not adversely affect the use of neighboring property accordance with the Zoning Regulations and Maps. The proposed expansion of a second floor bathroom will not intrude on the character, scale or pattern of the street

frontage, as viewed from 29th Street. Neither will the design or location of the bathroom limit the ability of neighboring properties to receive light and air. The subject block is orientated east west and thus receives adequate light during most of the day light period. There is a wooden fence and trees between the subject dwelling and the neighboring property on the south side that provides privacy for both properties. The fence also extends to the rear of the property and provides a privacy barrier. There is no public alley in the rear of the subject property.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Generalized Land Use Map depicts the subject portion of the Georgetown community in the Moderate Density Residential Land Use category. Row houses and garden apartments are the predominant uses in this category. Low-density housing may also be included in this category.

COMMUNITY COMMENTS

The applicants' proposal was presented to Advisory Neighborhood Commission (ANC) 3G at its October 4, 2003 monthly meeting. ANC 3G voted unanimously to support the application.

OP RECOMMENDATION

After reviewing the application requesting a special exception to expand a second floor bathroom to the rear of a semi-detached dwelling, 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 that the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring property.