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
Office of Planning

**DATE:** January 6, 2004

**SUBJECT:** BZA Case No. 17096
Cecilia & Lorenz Wheatley – Special Exception

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**APPLICATION**

The application by Cecilia & Lorenz Wheatley requests, pursuant to 11 DCMR 3104.1, a special exception in the R-2 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 Brookland Neighborhood of Ward 5, located at 1302 Allison Street, N.E., Square 3978, and Lot 19. The property is in the R-2 District. South Dakota Avenue, Allison Street and Sargent Road, N.E bound the square that contains the subject property. The subject property is on the north side of Allison Street, one house removed from the intersection of Allison Street & Sargent Road. The lot is developed with a single-family row dwelling with basement, and is the middle unit in a set of three dwellings.

The Brookland community is predominantly developed with low-density single-family detached and semi-detached dwellings. The neighborhood is a triangularly shaped area, south of Eastern Avenue, (the District's northern boundary with Prince Georges County, Maryland) west of Rhode Island Avenue and north of the B&O Railroad Tracts. There are a number of large public institutions in the neighborhood, such as Providence

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Exhibit No. 22

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EXHIBIT NO. 22

Hospital, The Hospital for Sick Children, Howard University School of Divinity, Boys & Girls Town and St, Anselus School. The majority of the commercial establishments in the area are on Rhode Island Avenue, along the frontage of 12th Street, and on 7th Street, between Bunker Hill Road & Taylor Street.

**HISTORY OF PROPERTY**

The subject dwelling was built of brick veneer in 1932, which was prior to the adoption of the current Zoning Regulations.

**PROPOSAL**

The applicants propose to build an addition to the rear of an existing non-conforming single-family row dwelling. The addition would provide expanded living space on the first and second floors, and living/workspace on the basement level. The expansion would extend the existing dwelling approximately 17 feet into the rear yard.

The basement addition will contain a guest room, an enlarged bathroom and expansion space for a home occupation (media production) business. In response to OP questions about the home business during a site visit, it was the applicant's position, that the business would continue to be accessory to the principal residential of the dwelling, the business was not licensed, and when the addition is completed, the business would continue to be completely located on the basement level of the dwelling.

The first floor addition will include an enlarged kitchen, a bathroom, a laundry room and an enlarged family room that will connect with an outside deck. The second floor expansion will contain an additional bathroom, enlargements to two bedrooms and additional built-in closets.

The basement level will extend the farthest of the three-floor addition, extending seventeen feet (17') from the existing structure into the rear yard. The first floor level will be stepped back over the basement to approximately ten feet (10') and the second floor will only extend five feet (5') from the existing structure.

**ZONING ANALYSIS**

The subject property is in the R-2 District. The R-2 consists of those areas that have been developed with one-family, semi-detached dwellings, and is designated to protect them from invasion by denser types of residential development. The site was developed with a one-family row dwelling, prior to the adoption of new Zoning Regulations in 1958. It does not comply with some of the zoning requirements, such as lot area, lot width and it will exceed the lot occupancy requirements when the new addition is constructed. It does not meet the lot area requirements; the lot is only 2,154 square feet, the minimum lot area required in the R-2 district is 4,000. The minimum lot width in the R-2 District is 40 feet, while the existing lot is only 18 feet wide.

| Section | Item | Required | Provided | Deviation |
|---|---|---|---|---|
| 401 | Lot Area | 4,000 | 2,154 Sq. FT. | Any |
| 401 | Lot Width | 40 | 18' | Any |
| 403 | Lot Occupancy | 846.0 Sq. Ft.<br>39.3% | 1,026 Sq. Ft.<br>48% | 8% |

The existing structure does meet the forty percent (40%) lot occupancy requirement in the R-2 District, at 39% lot occupancy of a 2,154 square feet lot area. However, when the new addition is constructed, the lot occupancy will increase to 48%. The applicant will therefore need special exception relief to build the requested addition.

Section 223 was designed to permit limited additions to non-conforming, one-family dwellings, if approved by the Board of Zoning Adjustment, subject to the following provisions.

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

**§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.**

**§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 rear addition will not affect unduly the availability of light and air to neighboring properties. The subject dwelling is the middle unit of a three row house set. The subject structure is on the north side of a block, which is oriented north south



*Front of subject dwelling*

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The design of the proposed addition is sensitive to the adjoining neighbors' clear and unobstructed view of the rear yard areas.



*East view of garage to be removed, and next-door example of carport to be erected.*

The design of the new addition will feature set backs of both the first and second floors. The basement level will extend the farthest of the three-floor addition, extending seventeen feet (17') from the existing structure into the rear yard, but will be below the height of the main floor. The first floor level will be stepped back over the basement to approximately ten feet (10') and the second floor will only extend five feet (5') from the existing structure. There is an existing garage at the rear of the property, abutting the public alley, which will be replaced by a carport, (similar to the carport on adjoining property on the west) thereby further increasing visibility of the rears yard areas.

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

**No.** The proposed addition will not compromise the privacy of use and enjoyment of neighboring properties. There will not be windows on the addition, next to the adjoining neighboring properties. The only windows on the addition will be on the rear of the first and second floors. There will also be a skylight above the enlarged kitchen on the first floor of the addition.

**(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**. Because the subject structure is the middle unit in a three-unit set of row dwellings which fronts on Allison Street, the proposed rear addition will not be visible from the front. There are other houses on the block that already have rear additions, mostly rear decks. The addition will be visible from the public alley at the rear, but the addition will not intrude upon the character, scale and pattern of houses on the block.



*North view of row dwellings on the 1300 block of Allison Street, N.E.*

**(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 addition to the existing building and to other neighboring properties.

**223.3 - The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-2 districts.**

Dwellings or flats in the R-1 and R-2 Districts cannot occupy lots in excess of forty percent (40%), except as provided is §223. If so, the maximum percentage of lot occupancy increases to fifty percent (50%). Such is the case with the subject lot. The lot is a nonconforming lot in the R-2 District. It is less than the 4,000 square feet minimum lot area required in the R-2 District. The subject property has a lot area of 2,154 square feet. The existing dwelling occupies approximately 846 square feet or 39% of the lot. The new addition will add 180 square feet to the existing structure, increasing the total lot occupancy to 1,188 square feet, or approximately 48% of the lot area.

**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 special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. The subject structure is in the R-2 District, a district that includes row dwelling. The referenced dwelling was constructed prior to the adoption of the Zoning Act of 1958, and thus, is grand fathered and non-conforming structure in the R-2 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 other properties on the subject square. Limited additions to non-conforming, one-family dwellings are permitted in R-2 Districts if approved by the Board of Zoning Adjustment. The subject structure will continue to be used as the primary residence for the applicant and family.

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

***No***. The subject block is orientated north-south and thus receives adequate light during most of the day. The requested special exception will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The proposed rear addition will not intrude on the character, scale or pattern of the street frontage, as viewed from Allison Street. Neither will the design or location of the addition limit the ability of neighboring properties to receive light and air. The design of the new addition

will feature set backs of both the first and second floors, in order to insure that the adjoining properties have an unobstructed view of surrounding rear yard areas.

**RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN**

The Generalized Land Use Map depicts the subject portion of the Brookland community in the Low Density Residential Land Use category. Single-family detached and semi-detached houses are the predominant uses.

**COMMUNITY COMMENTS**

The applicants presented the proposal to Advisory Neighborhood Commission 5A, Single Member District Meeting on December 9, 2003. Although residents within 200 feet of the subject site were notified of the meeting by flyers, only the applicants and two (2) Commissioners were present. The Commissioners present had not received any community objections to the proposed addition.

According to the applicant, the neighbor whose property adjoins the subject property on the west does not oppose the addition; however, the neighbor on the east side (1304 Allison) opposes the addition because she believes it will obstruct her rear view of Sargent Road. It is OP's view that the proposed addition will not substantially block neighbors view in the direction of Sargent Road.

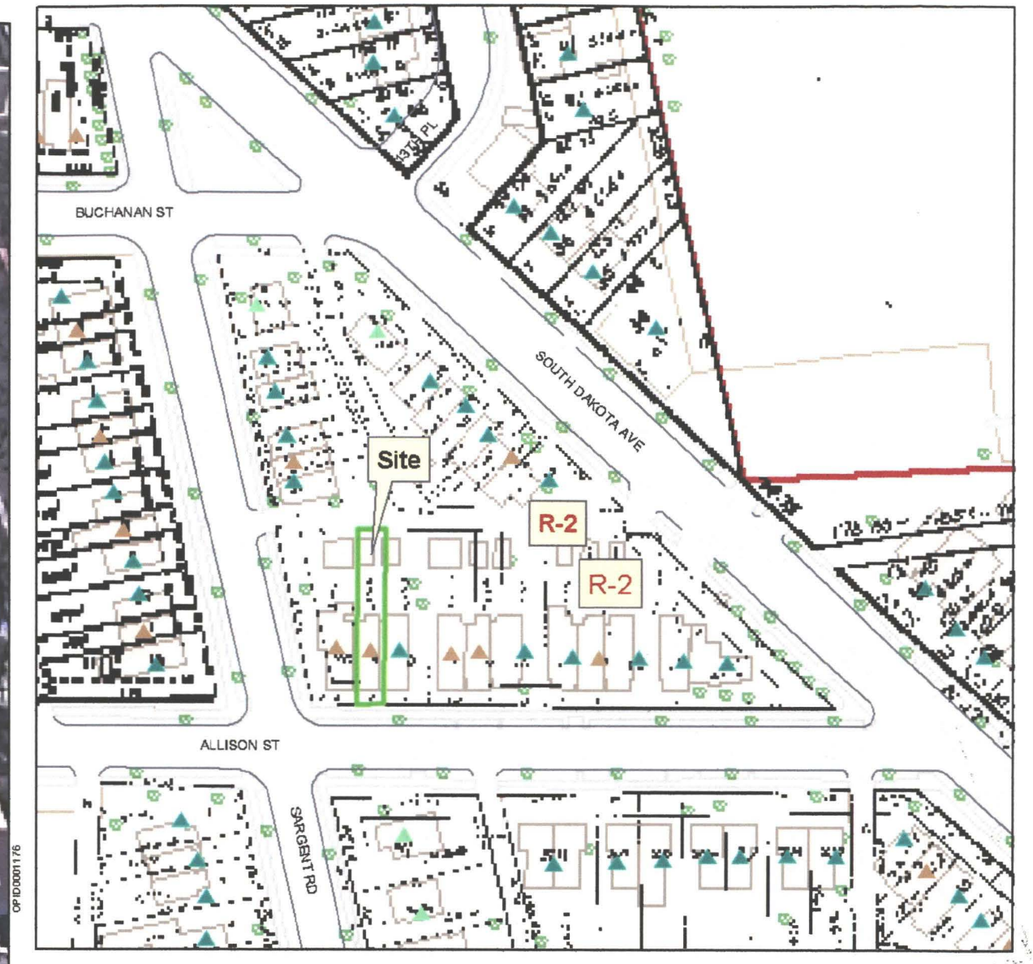
**OP RECOMMENDATION**

After reviewing the application requesting a special exception to expand the rear of a row dwelling in the R-2 District, 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.




View looking South




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**Zoning and Land Use**
**BZA Application #17096**

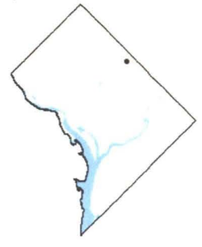
Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ October 2, 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. Oblique imagery ©2003 Pictometry International

**Land Use Legend**
- Single-family Detached
- Single-family Semi-detached
- Row house
- Accessory Garage
- Singlefamily Mixed Use
- Single-family Misc
- Multi-family Dwelling
- Office
- Parking Garage/Lot
- Religious
- Educational
- Vacant

Note: Land Use Info based on OTR records.



Attachment 1