GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: December 30, 2003

SUBJECT: BZA Application 17097

APPLICATION
Hamilton and Georgia McGraw, the Applicants, request a special exception under Section 223.1 to allow construction of an addition to the rear of their two-story semi-detached dwelling located at 5240 Sherier Place, N.W. (Square 1415 Lot 815) pursuant to Section 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requested special exception to allow the proposed addition to extend the existing nonconforming side yard set back of 0 feet along the southeastern property boundary, subject to a condition that the abutting exterior facade shall not include any window or door openings.

SITE AND AREA DESCRIPTION
The subject property is approximately 0.07-acre (3,266 square feet) in size and located southwest of intersection of Sherier Place and Arizona Avenue, N.W. The lot is developed with a two-story one-family semi-detached dwelling with an asphalt driveway that extends between the street and the foundation of a former garage near the rear property line. The lot gradually slopes away from Sherier Place then sharply increases in elevation near the rear boundary. Vacant properties owned by the District of Columbia abut the site to the north and southwest. The southwest District property consists of former Great Falls Electric Railway Company right-of-way elevated above the site that serves as a pedestrian and biking trail that continues across Arizona Avenue with a ramp down to sidewalks on the opposite side. A wooden privacy fence over seven-feet in height borders both side yards, and large evergreen trees stand between the northwestern fence and the avenue (refer to Exhibit 1).

The semi-attached one-family dwellings on the subject property and the adjacent property at 5238 Sherrier Place were constructed in 1920. The neighboring dwelling is of similar design except for a two-story addition that extends the party wall beyond the rear facade of the subject dwelling. It also has an even taller wooden privacy fence in the rear yard along the shared

BZA
Case No. 17097
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 17097
EXHIBIT NO. 20

property boundary. Overall, development in this area south of MacArthur Boulevard consists largely of one-family dwellings of similar size on property zoned Residential (R-1-B) District (refer to Exhibit 2).

APPLICANT'S PROPOSAL

The Applicant would like to demolish the rear screened porch and construct a one- and two-story addition with a ground floor sunroom and second-floor balcony by further extending the party wall shared with abutting dwelling.

After reviewing the plans, the Department of Consumer & Regulatory Affairs Zoning Review Branch issued a letter dated July 18, 2003 stating that the proposed addition required special exception relief in accordance with Sections 223.1 and 3104.1 of the Zoning Regulations. The Applicant submitted the instant application as a result.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-1-B. Section 201.1 of the Zoning Regulations does not list semi-detached dwellings as a land use allowed in this zone district. One-family semi-detached dwellings are first allowed in R-2 Districts. The dwelling on the subject property is, however, legally nonconforming because it predates the current zoning regulations, and does not meet the minimum requirement for a side yard 8 feet wide along the southeastern façade (since it is attached to the neighboring dwelling along this property line).

The Zoning Regulations include provisions for expansion of nonconforming buildings devoted to a conforming (single-family residential) use:

"2001.3 Enlargements or additions may be made to the structure; provided, that the following requirements shall be met:

(a) The structure shall conform to percentage of lot occupancy requirements; and
(b) The addition or enlargement itself shall:
    (1) Conform to use and structure requirements; and
    (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor
    (3) Create any new nonconformity of structure and addition combined."

The proposed construction would extend the existing nonconforming side yard set back of 0 feet along the southeastern property boundary, and requires relief through Section 223.

ANALYSIS

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions 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 and Zoning Maps." The referenced special exception to allow the proposed construction to extend a nonconforming side yard set back is subject to the provisions of Section 223.

223.3 *The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-l and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.* This relief is not required.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties.* It is strongly recommended that the Applicant discuss potential for light reflection from building materials used in the southeastern exterior of the proposed addition with the neighboring property owner. No additional treatment is recommended at this time.

OP concludes that the application meets the requirements of Section 233.

Compliance with Section 3104.1:
Based on the findings of Section 223, conditionally granting the requested relief would be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will not tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this area for Low Density residential development characterized by single-family detached and *attached* dwellings as predominant uses.

COMMUNITY COMMENTS
During a regular meeting on December 8, 2003, Advisory Neighborhood Commission (ANC) 3D voted unanimously to recommend approval of this request. Eleven property owners in the vicinity also signed a petition supporting this request including the owner of the abutting dwelling located at 5238 Sherier Place, N.W.

RECOMMENDATION
The Office of Planning recommends approval of the requested special exception to allow the proposed addition to extend the existing nonconforming side yard set back of 0 feet along the southeastern property boundary, subject to a condition that the abutting exterior facade shall not include any window or door openings.

AA/afj

Attachments: Exhibit 1 Portion of D.C. Surveyor's Plat dated May 27, 2003 (annotated)
Exhibit 2 Aerial with Zoning

Exhibit 1

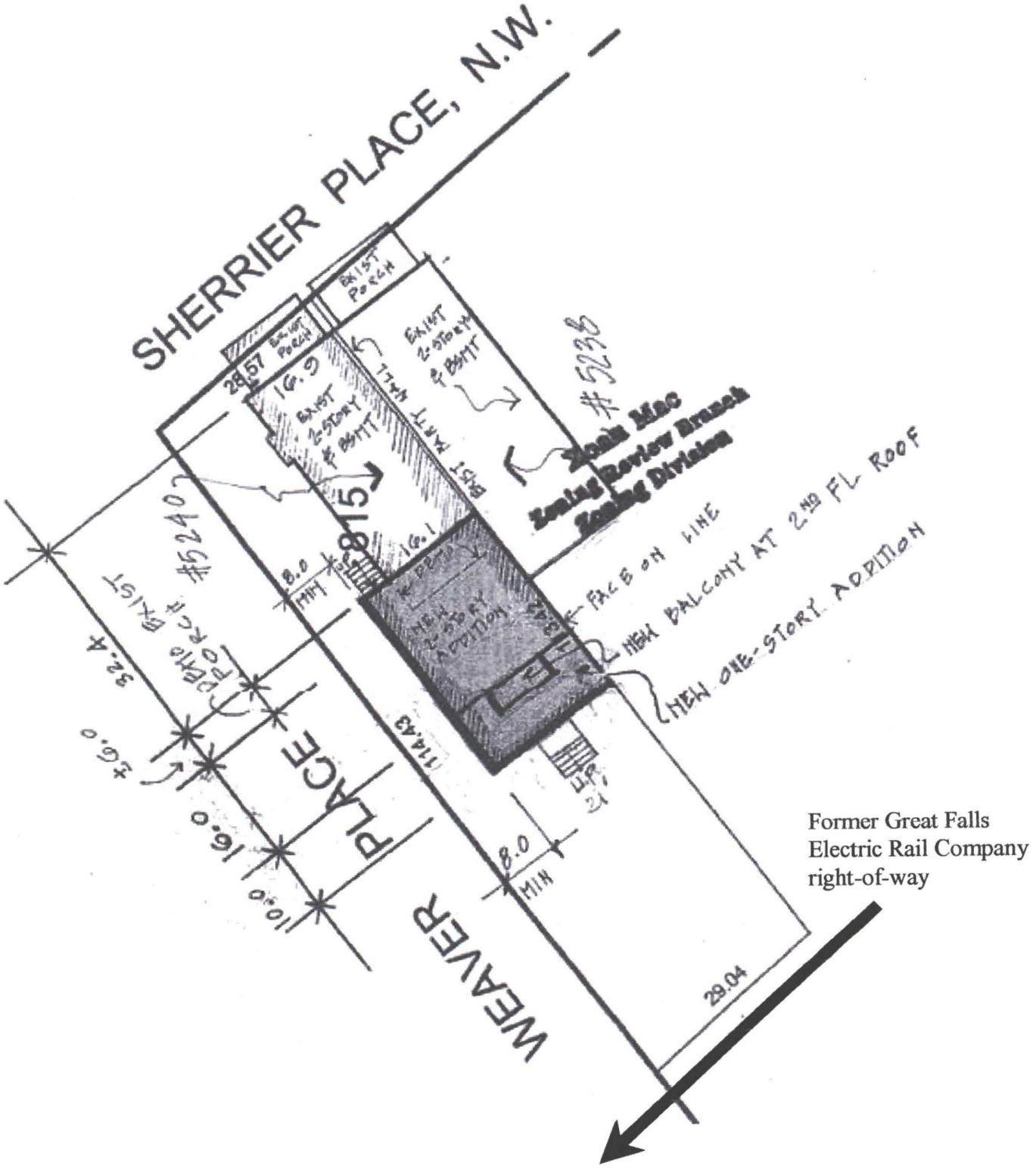
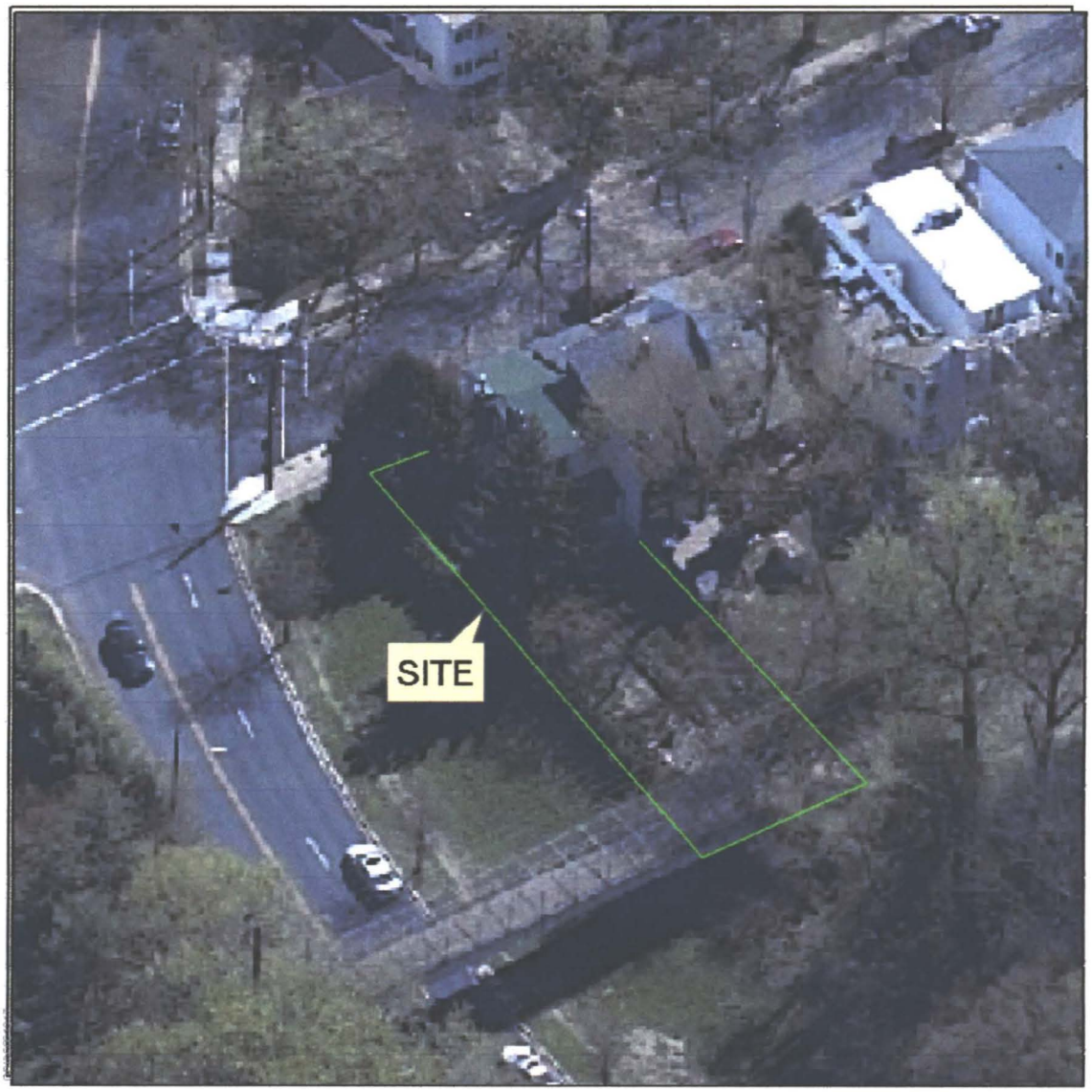

SHERRIER PLACE, N.W.
#5225
#5240
#5245
WEAVER PLACE
EXIST PORCH
EXIST 2-STORY & BMT
NEW 2-STORY ADDITION
NEW BALCONY AT 2ND FL ROOF
NEW ONE-STORY ADDITION
FACE ON LINE
8.0 MIN
114.43
29.04
32.4
16.0
10.0
Former Great Falls Electric Rail Company right-of-way

Exhibit 2



BZA Application No. 17097
5240 Sherier Place, N.W.

Feet
0 20 40 60

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

Office of Planning ~ December 17, 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

Legend

- Street Centerlines
- Zoning Districts
- Property Squares