GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: December 31, 2003

SUBJECT: BZA Application 17101

APPLICATION
Catherine and Gerald Tyson, the Applicants, request a special exception under Section 223.1 to allow construction of a one-story addition and wooden deck on the rear façade of a single-family dwelling located at 5609 Sherier Place, N.W. (Square 1451 Lot 836) 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 a special exception for the proposed addition to continue the existing nonconforming 3-foot side yard setback along the southeastern property boundary.

SITE AND AREA DESCRIPTION
The subject property is approximately 0.13-acre (5,625 square foot) in size immediately northwest of Sherier Place, N.W. The street frontage is developed with a two-story one-family detached dwelling (circa 1925) setback 14 feet from Sherier Place, 9.3-feet from the northwestern side property line, and 3 feet from the southeastern side property line. The rear yard extending approximately 84 feet to the rear (northeastern) property line and alley, and a one-story garage stands next to the alley. Evergreen hedges, a short retaining wall, and a wooden fence approximately 3.5 feet tall surround the dwelling, side and rear yards.

Development in the vicinity consists primarily of similar one-family dwellings with garages along the alley, and all property is zoned Residential (R-1-B) District (refer to Exhibit 1).

APPLICANT'S PROPOSAL
The Applicants would like to replace the existing one-story porch, stair and deck on the rear dwelling façade with a one-story addition with a basement, and smaller deck. The existing dwelling would extend 7 feet further to the rear as a result of this construction.

BZA
Case No. 17101
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17101
EXHIBIT NO. 23

After the reviewing the plans, the Zoning Review Branch of the Department of Consumer & Regulatory Affairs issued a letter dated July 18, 2003 stating, "the proposed addition to a nonconforming single-family dwelling ..." requires Board of Zoning Adjustment approval of a special exception under Sections 223.1 and 3104.1. The Applicant submitted the instant application as a result.

EXISTING ZONING AND RELIEF REQUESTED
The site is zoned R-1-B. Respectively, Zoning Regulation Sections 201.1 (a) and (i) allow one-family detached dwellings, and accessory private garages as a matter of right. However, the existing dwelling is nonconforming because it predates the current regulations, and the side yard setback along the southern property line is less than the minimum requirement of 8 feet.

The Zoning Regulations include provisions for expansion of nonconforming buildings devoted to a conforming 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."

This proposal would extend the existing nonconforming side yard setback along the southeastern property boundary and therefore requires special exception relief under 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 would allow the proposed addition and deck to retain the same nonconforming side yard setback along the southeastern property boundary subject to the provisions of Section 223.

Compliance with Section 223
Requirements under this section include the following:

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 rear façade of the existing dwelling currently extends beyond the rear walls of the neighboring dwellings, so an addition that extends further into the rear yard of the subject property would not impact the adjacent dwellings, and would have minimal impact on the adjacent rear yards. Since existing side yard setbacks would be maintained, air and light to the neighboring properties would not be affected by this proposal.

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; The proposed addition would not increase the current visibility of the unoccupied rear yards of neighboring properties. Since the existing rear façade has windows and a deck, and the garage will remain, the new construction would also not increase the visibility of residences across the alley. Therefore, the addition will not unduly compromise the use and enjoyment of neighboring properties. Note that Robert Nelson, owner of the property at 5607 Sherier Place (abutting the nonconforming side yard), reviewed the plans then signed a petition and wrote a letter in support of this request.

(b) *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;* ... It does not appear that the proposed addition would be readily visible from Sherier Place due to its location at the rear of the existing dwelling. Although the addition will be clearly visible from the alley, it would not intrude on the character, scale or pattern of residential development in the area.

(c) *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.* Sufficient graphical documentation was submitted for staff review and analysis.

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.* This application does not require this relief.

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.* Additional treatment is not recommended.

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

Compliance with Section 3104.1:
Based on the findings of Section 223, 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 3, 2003, Advisory Neighborhood Commission (ANC) 3D unanimously recommended approval of this request, and 20 neighbors signed a petition in support. Robert Nelson, owner of the abutting property to the southeast at 5607 Sherier Place (next to the nonconforming side yard setback) signed this petition and wrote a separate letter of support.

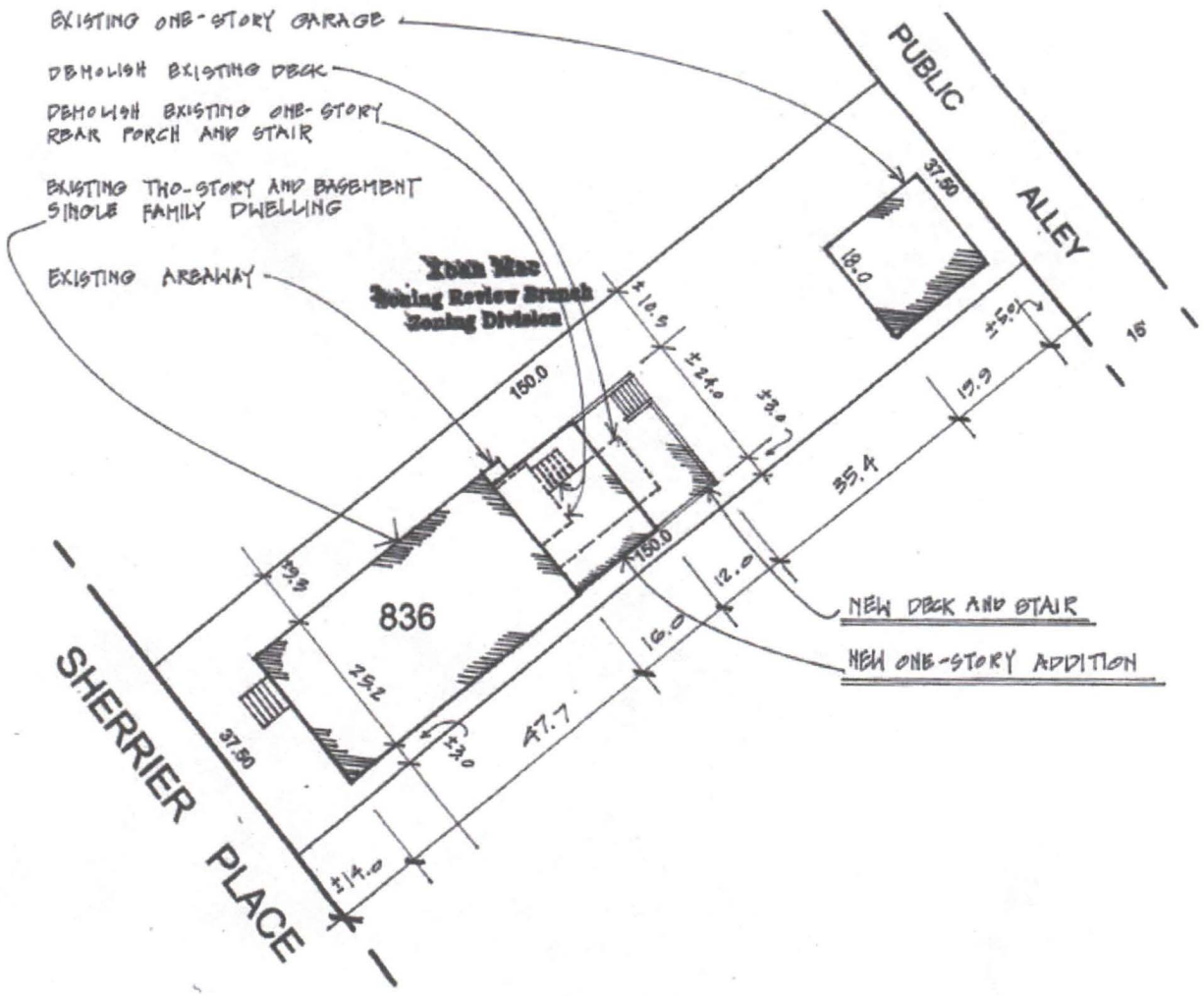
RECOMMENDATION
The Office of Planning recommends approval of a special exception to allow the new addition and deck to continue the existing nonconforming 3-foot side yard setback along the southern property boundary.

AA/afj

Attachments:

Exhibit 1 D.C. Surveyors Plat dated April 29, 2003 (annotated)
Exhibit 2 Aerial Including Zoning

Exhibit 1


EXISTING ONE-STORY GARAGE
DEMOLISH EXISTING DECK
DEMOLISH EXISTING ONE-STORY REAR PORCH AND STAIR
EXISTING TWO-STORY AND BASEMENT SINGLE FAMILY DWELLING
EXISTING AREAWAY
PUBLIC ALLEY
SHERRIER PLACE
836
37.50
18.0
150.0
±18.9
±24.0
±3.0
±5.0
15
17.9
35.4
12.0
16.0
47.7
±3.0
±14.0
25.2
NEW DECK AND STAIR
NEW ONE-STORY ADDITION



BZA Application No. 17101
5609 Sherier Place, N.W.

N

Feet
0 40 80

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

Property Squares