GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: HS for Andrew Altman
Director

DATE December 30, 2003

SUBJECT: BZA Application 17102
Beylickjian Addition – 3415 McKinley Street, N.W.

APPLICATION

An application by Robert Beylickjian requesting a special exception under Section 223 pursuant to 11 DCMR §3104, to allow an addition to a residence at 3415 McKinley Street, N.W., which does not meet the side yard requirement in an R-1-B Zone District.

SUMMARY RECOMMENDATION
The Office of Planning **recommends approval** of the special exception from the side yard requirement, in accordance with the provisions of Section 223.

SITE AND AREA DESCRIPTION
The subject property is located in Square 1997 in the northwest quadrant of the District. The Square is bound by Northampton Street to the north, Broad Branch Road to the west, McKinley Street to the south and Nevada Avenue to the west. The surrounding area is developed with single-family detached dwellings, all in the R-1-B Zone District.

PROJECT DESCRIPTION
The applicant proposes to obtain relief from the side yard restriction in the R-1-B zone District to permit completion of an addition to the rear of the subject property. A building permit was issued and side yard measurements obtained from plats issued by the Office of the Surveyor were applied during construction. However, upon final (wall check) inspection the applicant was informed that the side yard to the west of the property was incorrectly measured. Therefore, the applicant needs special exception relief due to the reduction of the side yard from an existing 5 feet to 2.76 feet to complete construction of the addition. The structure predates the 1958 Zoning Regulations.

BZA
Case No. 17102
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17102
EXHIBIT NO. 24

ZONING REQUIREMENTS
The applicant is requesting a special exception from the side yard measurement as follows:

Section	Item	Required	Existing	Requested	Deviation
405	Side Yard	8 feet (minimum)	5 feet	2.76 feet	5.24 feet

Special Exception Relief
Section 223 provides relief based on specific criteria under which additions to one-family dwellings may be permitted within a residential district.

The proposed addition must satisfy the criteria as follows:

223.1 *An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the requirements of §§401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception by the Board of Zoning Adjustment under §3104, subject tot the provisions of this section.*

The two-story addition is to a permitted single-family residence, which is not in conformance with §405 (side yard), since the original structure predates the 1958 Zoning Regulations and is non-conforming to the side yard setback requirements of the Zone District. However, the addition does not increase the non-conformity of the structure and the application conforms to all other yard requirements of the section.

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.*

Light and air to neighboring properties will not be unduly affected. The existing structure was built before 1958 with a nonconforming side yard officially recorded with a minimum five-foot side yard setback along the west property line of the property. However, during construction of the addition, a surveyor determined, and the District's Building and Land Regulation Administration agreed, that the side yard setback measured 2.76 feet and not 5 feet as recorded on Office of the Surveyor's plats.

The addition is only 29 feet tall and extends the length of the house and not the width, since it aligns with the original 2-story frame structure. Therefore, there is no decrease in the existing side yard, whether the yard was measured at 5 feet or 2.76 feet. The adjoining residence to the west at 3417 McKinley Street, which may be impacted by the addition, does not extend beyond the original 2-story frame structure of the subject property. Since the addition

does not decrease the side yard setback, a consistent distance of approximately 12 feet would be maintained between the two homes if the resident at 3417 McKinley Street proposes to construct a rear addition in the future. Therefore, OP believes that the addition would have no adverse effect on light and air to the neighboring property.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.*

The adjacent and subject properties are separated by an existing wooden fence, which is lined by maintained landscaping on both sides of the fence. Therefore, the use and privacy of the neighboring property is not compromised by the addition.

(c) *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 subject street frontage.*

The building addition is not visible from the street due to its location and existing vegetation along the side yard of the property. Therefore, the addition together with the original building, does not intrude upon the character, scale and pattern of houses along the street frontage.

(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 drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.*

The applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

The structure is non-conforming due to its west side yard setback whether measured at 5 feet or 2.76 feet, since it predates the 1958 Zoning Regulations. The new addition does not reduce the side yard further as it aligns with the original structure. OP is satisfied that the applicant has met the criteria for special exception relief of Section 223 and granting relief would not adversely affect the use of the neighboring properties.

COMMUNITY COMMENTS

The applicant informed OP that the ANC 3G recommended approval of the special exception request at its regularly held meeting on November 24, 2003. This property is not within a historic district.

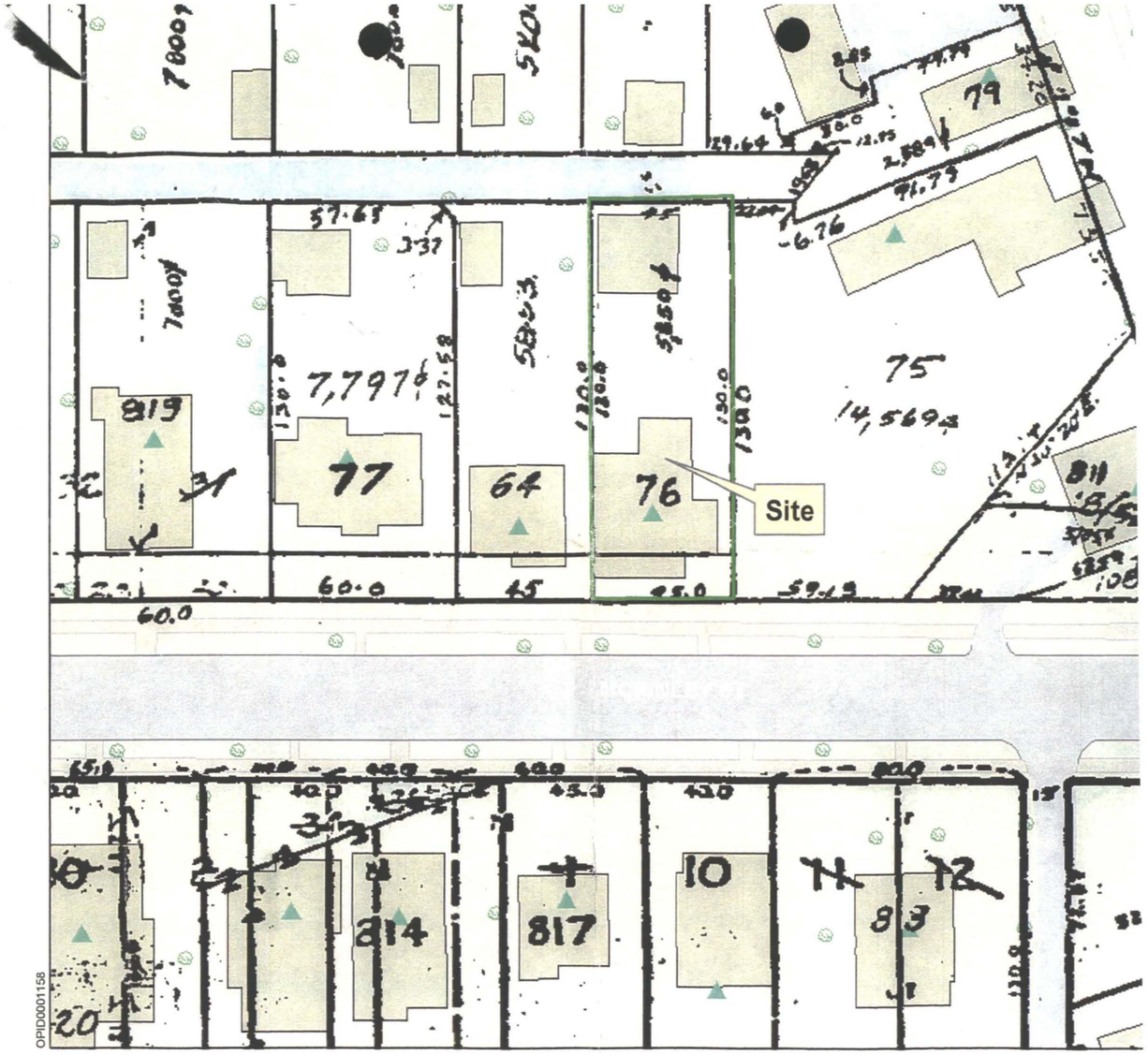
CONCLUSION

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 and Section 223 of the Zoning Regulations, for the granting of a special exception for relief from the side yard set back applicable to residences in the R-1 Zone District. The request can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

The Office of Planning **recommends approval** of the special exception by the Board of Zoning Adjustment to allow the addition to the property at 3415 McKinley Street, N.W.



View Looking North



Property Layout
BZA Application #17102

N
Feet
0 25 50 75

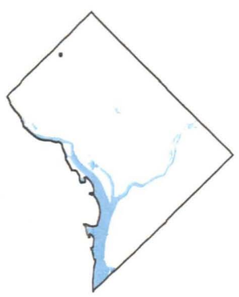
★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ August 25, 2003

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Note: Land Use Info based on OTR records.

Land Use Legend
- Single Family Dwelling/Flat
- Res. Condo
- Multi-family Dwelling
- Private Club
- Office
- Parking Garage/Lot
- Educational
- Vacant



Attachment 1