GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: February 3, 2004

SUBJECT: BZA Application 17113 - Request filed by Stephen P. McCarron for a **special exception** for construction of a one-story addition with basement to the rear of an existing single –family detached dwelling, proposed by Stephen P. McCarron for 3416 McKinley Street, N.W.

APPLICATION
Application of Stephen P. McCarron for:

1) **Special exception relief pursuant to § 223 of Title 11 DCMR** to permit the construction of a one-story building addition with basement to the rear of an existing single-family detached dwelling not in conformance with § 405.9, Side Yards, and §401.3, Minimum Lot Dimensions

for property located on the south side of McKinley Street, N.W., between Broad Branch Road and Nevada Avenue, Square 1996, Lot 10.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for special exception relief as submitted by the applicant.

PROJECT DESCRIPTION
This proposal is to permit the construction of a one-story building addition with basement onto the rear of an existing single-family detached dwelling 3.8 feet from the east side lot line. The building addition is proposed to enlarge the kitchen on the east side of the dwelling, directly behind the existing kitchen, add a screened-in porch on the west side of the dwelling and provide for a new deck on the west side of the dwelling, extending out from the screened-in porch. An existing wooden deck at the rear of the structure is to be removed.

BZA
Case No. 17113
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17113
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SITE AND AREA DESCRIPTION

The property consists of Lot 10 of Square 1996, in the North West quadrant of the District. It is 5,200 square feet in area, has a minimum lot width of 40 feet, and is improved with a single-family detached dwelling constructed in 1910. A 15-foot deep building restriction line extends across the front of property, and 15-foot wide public alley provides access to the rear.

The existing dwelling is setback 29 feet from McKinley Street, 3.8 feet from the east side lot line and 9.0 feet from the west side lot line. The proposed addition will be set back 49.5 feet from the rear lot line, and the proposed deck at the rear of the dwelling will be set back 41.5 feet from the rear lot line. It will replace an existing wooden deck that extends out 15 feet from the rear of the dwelling, 3 feet more than the proposed building addition.

The surrounding area is developed with single-family detached dwellings within the R-1-B Zone District.

The area has been identified on the Generalized Land Use Map as located within the low density residential land use category- "Single-family detached and semi-detached housing are the predominant uses."

EXISTING ZONING

The subject property is zoned R-1-B, high-density one family detached dwellings residence district.

R-1 Residential District

"The R-1District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes." (§ 200.1)

RELIEF REQUESTED:

Special Exception pursuant to § 223– Additions to One-Family Dwellings or Flats

§ 223 sets forth the specific criteria under which additions to one-family dwellings may be permitted within a residential district. Those criteria are 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 if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this 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;*

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

(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 frontage; and

(d) In demonstrating compliance with paragraphs (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 views from public ways.

The proposed addition is to a one-family dwelling in a district in which it is permitted, the R-1-B Zone District. The subject property is not in compliance with §§ 401 and 405 of the Zoning Regulations, Minimum Lot Dimensions and Side Yards. The existing lot is 40 feet in width, less than the minimum requirement of 50 feet, and the existing dwelling and building addition are set back 3.8 feet from the eastern side lot line, less than the minimum required 8 feet.

The only adjoining property directly affected by this application is located to the east. The continuation of the existing 3.8-foot side setback for an additional 12 feet will not adversely affect the privacy and use of the adjoining property, as the dwelling located to the east is situated on two lots on which it is centered, and the proposed building addition is 3 feet shorter than the existing deck to be removed. As a result, there will be less structure on the subject property parallel to the eastern lot line. There is a much larger western side yard to the adjoining dwelling than might otherwise be the case. Therefore the affect that the reduced side yard will have on the light and air, and privacy of use and enjoyment on the adjoining property will not be unduly affected or compromised.

The requested lot width variance recognizes the existing lot width of 40 feet, which predates the Zoning Regulations and is similar to other lots within the square. The proposed building addition will not alter this existing situation as it relates to either light and air, or privacy and use.

The proposed building addition will not be visible from the street as it is to be located directly behind the existing structure. It will, though, be visible from the public alley located to the rear of the subject property. However, the proposed building addition will be set back 49.5 feet and the proposed deck will be set back 41.5 feet, significantly more than the minimum 20 feet required. Combined with the fact that the existing 40-foot lot width will not be altered, the subject application will not substantially intrude upon the character, scale and pattern of houses along the street frontage.

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The applicant submitted photographs and architectural drawings as a part of the application in support of § 223.

"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.*

The proposed lot occupancy of 25.42 percent is less than the maximum 50 percent permitted by § 223.3 for the R-1 Zone District.

"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.*

"223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use."*

As a single-family detached dwelling is a use permitted as a matter of right within the R-1-B Zone District, the approval of this application will not permit the introduction or expansion of a nonconforming use.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of § 223 and that in granting the relief, the intent and purpose of the chapter "shall not adversely affect the use of the neighboring properties."

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following objective of the Ward 3 Element:

> *"... Existing housing should be maintained and improved for current and future residents;"* (§ 1402.3)

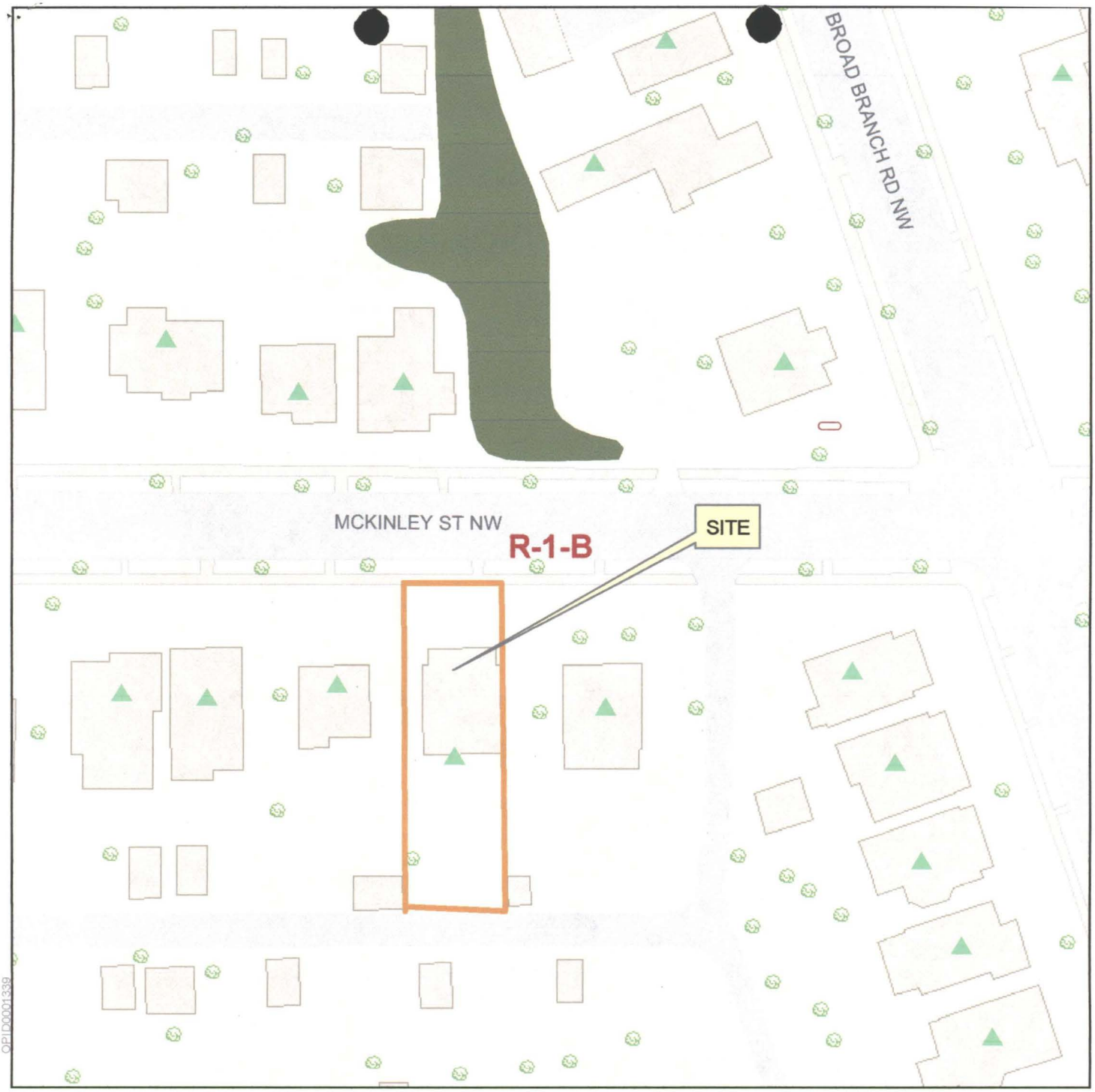
COMMUNITY COMMENTS
Comments were solicited from **ANC 3G** but none were received.

RECOMMENDATIONS
The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. OP concludes that the special exception meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the following:

> **Special exception relief pursuant to § 223 of Title 11 DCMR** to reduce the east side yard setback from 8 feet to 3.8 feet for the construction of a one-story building addition with basement to the rear of an existing single-family detached dwelling.

AA/sjm$_{AICP}$



Zoning & Vicinity Map
BZA Application No. 17113

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Feet

0 40 80

Buildings

Alleys and Parking

Roads

Sidewalks

Single Family Dwelling

Trees

Wooded Areas

Zoning Districts

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

Office of Planning ~ January 8, 2004

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.