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 17, 2004

SUBJECT: BZA Application 17118

APPLICATION
Martin Hahn and Colleen Martin, the Applicants, request a special exception under Section 223.1 to allow construction of a two-story addition on the rear façade of a detached single-family dwelling located at 3770 McKinley Street, N.W. (Square 1867 Lot 33) 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 to reduce the western side yard setback from 7'-1" to 3'-6".

SITE AND AREA DESCRIPTION
The subject property is approximately 0.13-acre (5,825 square foot) in size immediately south of McKinley Street, N.W. The trapezoidal lot is developed with a two-story one-family detached dwelling (circa 1919) of wood frame construction with a rear deck, and a freestanding garage in the rear yard. The residence is setback approximately 33 feet from McKinley Street, 7'-8" from the eastern (side) boundary, and 7'-1" feet from the angled western (side) property boundary. A gated wooden fence 4-7 feet tall surrounds the rear yard, and an alley 15 feet wide extends from McKinley Street along the western and southern (rear) boundaries. Vehicular access to the garage is from the alley across the west side property line.

Development in the vicinity primarily consists of similar one-family dwellings with garages to the east and northeast across McKinley Street, a community center building with accessory parking to the northwest, and a Safeway Supermarket and associated parking to the south and west. The grocery store site has been graded to a lower elevation than the subject property and adjacent alley. The masonry grocery store building and a wooden fence approximately 6 feet tall border the entire alley opposite the subject property.

Surrounding property is zoned Residential (R-1-B) District to the north, south and east, and Neighborhood Shopping (C-1) District to the west (refer to Exhibit 1).

BZA
Case No. 17118
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 17118
EXHIBIT NO. 20

APPLICANT'S PROPOSAL
The Applicants would like to replace the existing rear deck with a two-story frame addition that includes a basement garage, first floor family and breakfast rooms, and master bedroom suite on the second floor. Submitted plans indicate the proposed addition would continue the existing side yard setback from the western property line, but would reduce the western side yard setback from approximately 7 feet to 3'-7". Access to the new basement garage would continue to be across the western property line. The freestanding garage in the rear yard would be demolished.

EXISTING ZONING AND RELIEF REQUESTED
The site is zoned R-1-B. Zoning Regulation Sections 201.1 (a) and (i) allow one-family detached dwellings, and accessory private garages as a matter of right. The existing dwelling, however, is nonconforming because it predates the current regulations, and side yard setbacks along the eastern and western property boundaries are less than the required 8-foot minimum.

The Zoning Regulations include this provision for expanding nonconforming buildings:

"405.8 In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; Provided, that the width of the existing side yard shall not be decreased; and Provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.)."

Since this dwelling was constructed before 1958, the non-conforming eastern side yard setback can be extended. However, since the western side yard setback would decrease to 3'-7" under this proposal, the following also applies:

"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 zoning tabulation submitted with this application indicates that planned demolition and construction would increase the total lot occupancy from 22% to 30% (the maximum allowed in R-1-B is 40%). Since the western side yard setback would be less than 5 feet, the Applicants submitted the instant request for special exception relief under Section 223 from the stated side yard requirement.

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 reduce the nonconforming side yard setback along the western 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;* An addition to the southern façade of the dwelling would not impact dwellings north of McKinley Street, and the Safeway Store site to the south and west. Since the eastern side yard setback would be maintained, air and light to the neighboring residence would not be affected by this proposal.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; The proposed addition would not impact dwellings north of McKinley Street, and would not appear to increase the current visibility of the neighboring rear yard from second floor window of the existing dwelling. Note that several large deciduous trees on the neighboring residence to the west at 3768 McKinley Street would screen the proposed addition, and five neighbors reviewed the plans and signed a petition in support. Based on this information, the privacy of the neighboring yard would 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 street frontage; ... The proposed addition would not be readily visible from McKinley Street because it would be located at the rear of the existing dwelling. Although the addition would be visible from the alley, it would not intrude on the character, scale or pattern of area residential development.

(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. 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-l 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.

223.3 *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 properties to the north and east for Low Density residential development characterized by single-family detached and attached dwellings as predominant uses. Properties to the west are designated for Low Density commercial development characterized by shopping and services that are generally low in scale.

COMMUNITY COMMENTS
During a regular meeting on February 9, 2003, Advisory Neighborhood Commission (ANC) 3G unanimously recommended approval of this request. Five neighbors also signed a petition in support.

AGENCY COMMENTS
This application was distributed to the Department of Transportation, and Metropolitan Police and Fire Departments for comment. No concerns have been expressed.

RECOMMENDATION
The Office of Planning recommends approval of a special exception to reduce the western side yard setback from 7'-1" to 3'-6".

AA/afj

Attachments:

Exhibit 1 Aerial Including Zoning
Exhibit 2 Memorandum to Arthur Jackson, Development Review Specialist, Office of Planning, from Gary L. Palmer, Battalion Fire Chief, Fire and Emergency Medical Serviced Department dated January 27, 2003



BZA Application No. 17118
3770 McKinley Street, N.W.

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

Office of Planning – October 31, 2003

Street Centerlines
Property Squares
Zoning Districts

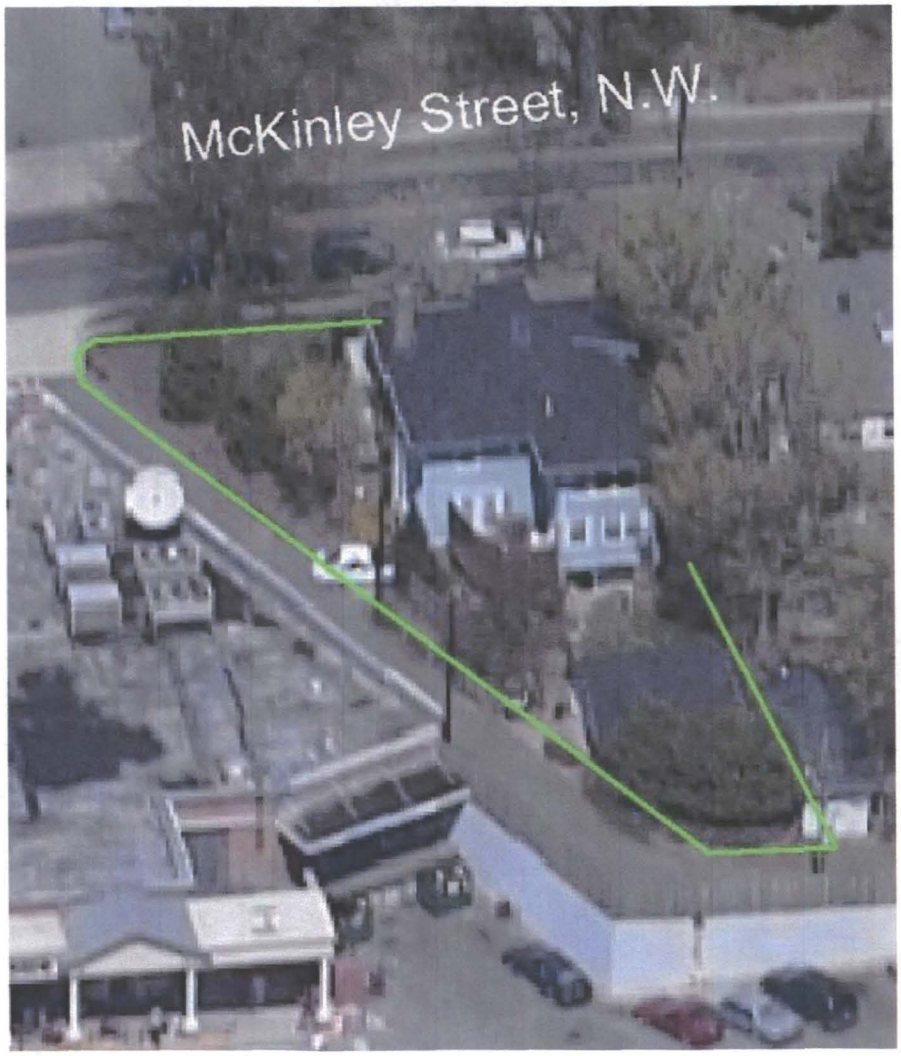


Exhibit 1

Exhibit 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001

MEMORANDUM

TO: Arthur Jackson
Development Review Specialist
Office of Planning

FROM: Gary L. Palmer
Battalion Fire Chief

DATE: January 27, 2004

SUBJECT: BZA Application No. 17118 - Application From Martin Hahn and Colleen Martin Requesting a Special Exception to Expand a Detached One-Family Dwelling on Property Located at 3770 McKinley Street, N.W. (Square 1867, Lot 33)

The D.C. Fire and EMS Department has reviewed the above application.

The applicants propose to construct a two-and-a-half story addition to the rear of the existing two-and-one-half story dwelling. A special exception is being requested because the addition will not meet the side yard set back requirement along the western property boundary. We have no objection to this request.

If you have any questions concerning this review, please contact my office at 727-3659.