GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director`

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman, Director
Office of Planning

**DATE:** March 16, 2004

**SUBJECT:** BZA Case No. 17135
Kenneth H. Bailey, Jr. – Special Exception

**APPLICATION**
The application by Kenneth H. Bailey requests, pursuant to 11 DCMR 3104.1, a special exception to allow an addition to a one-family dwelling that does not meet the side yard requirements in the R-1-B District as outlined in Section 223.1 of the Zoning Regulations.

**RECOMMENDATION IN BRIEF**
The Office of Planning recommends **Approval** of the requested special exception.

**SITE AND AREA DESCRIPTION**
The property is in the Friendship Heights Neighborhood of Ward 3, located at 4414 Albermarle Street, N.W., (Square 1590, Lot 54). Square 1590 is bounded on the north by Albemarle Street, Alton Place to the south, 44th Street to the east and 45th Street to the west. The subject property is on the south side of the block, near the intersection of 44th & Albemarle Streets. The site is developed with a single-family detached dwelling that is the predominant unit type in Square 1590.

**BZA**
**Case No. 17135**
**Exhibit No. 22**

Board of Zoning Adjustment
District of Columbia
CASE NO. 17135
EXHIBIT NO. 22

**HISTORY OF PROPERTY**
The subject single-family detached dwelling was built in 1940, before the adoption of the Zoning Act of 1958 and does not completely comply with the zoning requirements, such as side yard.

**PROPOSAL**
The applicant proposes to build a roof canopy above an existing areaway and steps, which leads to the basement entrance, on the east side of the property. The dimensions of the canopy will be 3 feet in depth and 13 feet in length.

The footprint of the existing structure will remain unchanged when the canopy is canopy is completed. The expansion will add approximately 96 square feet to the second floor of the structure.

**ZONING ANALYSIS**
The subject property is in the R-1-B District. The R-1 District is designed to protect the quiet residential areas now developed with one-family detached dwelling and adjoining vacant areas likely to be developed for those purposes.

The subject dwelling, was built prior to the adoption of the Zoning Act of 1958, and does not meet the side yard requirements for the R-1-B District. The minimum width requirement for side yards in the R-1 District is 8 feet. The existing side yard is only 7.1 feet in width, which is 0.9 feet short of the required side yard. The proposed canopy will be 3 feet in width and will further reduce the existing side yard to 4.1 feet. This will cause a deviation of 3.9 feet from the minimum side yard.

One of the intended purposes of Section 223 is to provide housing addition relief for owners of dwellings that pre-date zoning and have some aspect of non-conformity. The granting of the requested special exception to allow a 3-foot wide canopy over steps, which lead to the entrance to the basement, is an appropriate application of this special exception provisions. The subject single-family dwelling will remain owner occupied by the applicant.

***223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS*** **(R-1)**
Limited additions to one-family dwellings in the R-1 District are permitted if approved by the Board of Zoning Adjustment, subject to the following provisions:

**§223.1 - An addition to a one-family dwelling or flat, where a flat is permitted, that does not comply with all the requirements of §§401, 403, 405, 406, or 2001.3 of this title shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3104 of chapter 31 of this title, subject to the provisions of this section.**

**§223.2 - The addition shall not have a substantially adverse affect on the use of or enjoyment of any abutting or adjacent dwelling or property; in particular;**

**(a) Will the proposed addition affect unduly the availability of light and air to neighboring properties?**

**No.** The proposed roof canopy will not affect the availability of light and air to neighboring property. There will be approximately 14 feet between the outer edge of the proposed canopy and the west side of the adjoining dwelling to the east



***South view of distance between subject house and adjacent houses.***

**(b) Will the addition unduly compromise the privacy of use and enjoyment of neighboring properties?**

**No.** The proposed canopy will not compromise the privacy and enjoyment of neighboring properties. The purpose of the canopy is to reduce the amount of rainwater that falls unto the basement areaway stairwell. During heavy storms, rainwater oftentimes accumulates at the bottom of the basement door and leak into the basement. The roof canopy will only extend out three feet from the east side of the subject dwelling, and will run 13 feet above the stairwell to thee basement entrance. It will be attached to the east side of the subject house by bracket supports.



***Area of basement stairwell/ Areaway, and rending of proposed canopy***

**(b) Will the addition, together with the original building, as viewed from the street, alley, and other public ways, substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage?**

**No.** The proposed roof canopy will be visible from Albemarle Street, but it will not intrude upon the character, scale and pattern of houses along the block. There is a large tree in the front yard of the subject house, and a shrub border at the north end of the stairwell, both, which will obscure full view of the canopy.



***View looking south from Albemarle Street***

**(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 drawing sufficient to represent the relation of the proposed addiction to adjacent buildings and views from public ways.**

The applicant provided a surveyor's plat, architectural elevations, and photographs to represent the relationship of the proposed addiction to existing building and to other neighboring properties.

**223.3 - The lot occupancy of the dwelling or flat, together with the addition, shall not exceed seventy percent (70%) in the R-3 districts.**

The maximum percentage of lot occupancy for dwellings in the R-1-B District is 40 percent. The subject dwelling currently occupies 34% of the lot. The additions of the roof canopy will only increase the lot occupancy to 34.5%

**DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?**

**Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Maps?**

**Yes.** Limited additions to non-conforming, one-family dwellings are permitted in R-1-B Districts if approved by the Board of Zoning Adjustment. The requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. The subject structure is a detached dwelling in the R-1-B District, a district where one-family detached dwellings, and semi-detached dwellings are the predominant uses. The referenced dwelling was constructed prior to the adoption of the Zoning Act of 1958, and thus, is grand fathered and does not meet all of the zoning requirements. The applicant's plan to build a canopy over a stairwell and areaway to the basement entrance is a practical solution to limiting the amount of rainwater that accumulate in the basement areaway during heavy storms, and oftentimes leak into the basement. When the canopy is completed, it will not negatively affect the residential character on the subject block.

**Will the special exception tend to adversely affect the use of neighboring property accordance with the Zoning Regulations and Maps?**

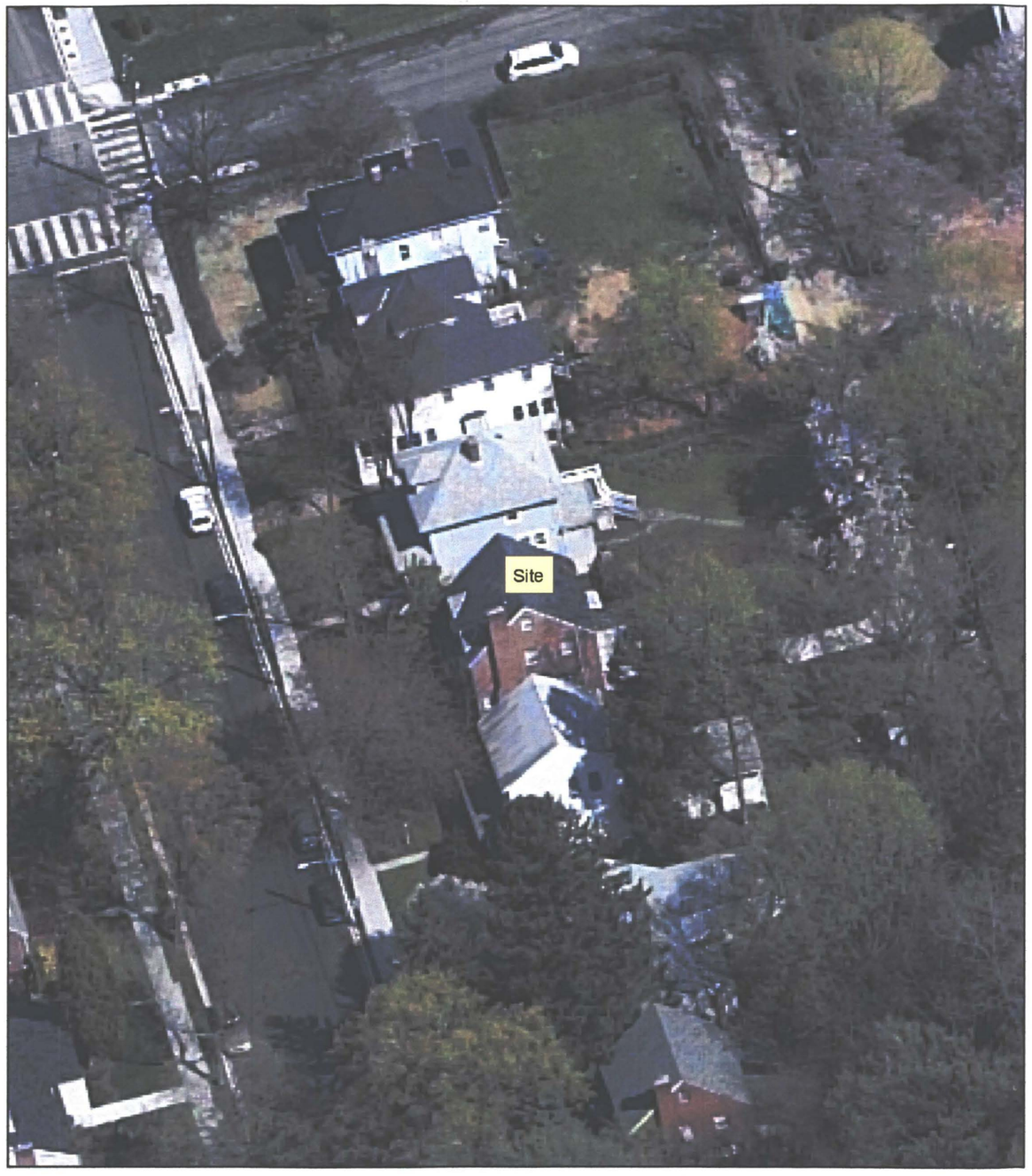
***No.*** The requested special exception will not adversely affect the use of neighboring property accordance with the Zoning Regulations and Maps. The proposed construction of a roof canopy will not change the residential intended use of the property, nor will it intrude upon the character, scale, and pattern of houses on the block, as viewed from Albermale Street. The proposed canopy will not adversely affect the privacy of use of adjacent neighboring properties. Neither will the design or location of the canopy adversely affect the ability of neighboring properties to receive light and air. There will be at least 14-feet of space between the edge of the canopy and the west wall of the neighboring property to the east.

**RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN**
The Generalized Land Use Map depicts the subject portion of the Friendship Heights community in the Low Density Residential Land Use category. Single-family detached and semi-detached housing are the predominant uses in this category. The subject dwelling is consistent with the land use designation, and will remain a single-family dwelling, after the roof canopy has been built.

**COMMUNITY COMMENTS**
The applicants' proposal was presented to Advisory Neighborhood Commission (ANC) 3E at its February 12, 2004 monthly meeting. The ANC voted unanimously to support the application.

The owners of the residence to the east of and adjacent to the subject house (David & Leslie Marinaccio, 1410 Albemarle Street) have provided the applicant a letter of support regarding the proposed canopy.

**OP RECOMMENDATION**
After reviewing the application requesting a special exception to build a roof canopy above an existing areaway and steps on the east side of a detached dwelling, the Office of Planning recommends hat the Board **approve** the application. O P finds that the applicant has satisfactorily met all the requirements specified in Section 3104.1, and 223, and that the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring property.







**BZA Application - 17135**
**Special Exception, Side Yard**
**4414 Albermarle Street, N.W**

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

Office of Planning – March 23, 2004

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