GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman
Director

**DATE:** April 12, 2004

**SUBJECT:** BZA Application 17159

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**APPLICATION**
Michael & Catherine Ryan, the Applicants, request a special exception under Section 223.1 to allow construction of a two-story addition on the rear façade of a one-family dwelling located at 5104 Sherier Place, N.W. (Square 1415 Lot 29) 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 extend the existing nonconforming side yard setbacks of 0 feet and 7 feet.

**SITE AND AREA DESCRIPTION**
Subject lot 29 is approximately 0.09-acre (3,732 square foot) in size immediately southwest of Sherier Place, N.W. It is developed with a two-story one-family semi-detached dwelling (circa 1927) of concrete and wood frame construction with front and rear porches, and a rear deck. Lots along the frontage gradually slope away from Sherier Place toward the rear property boundaries. A "meandering" chain link fence approximately 4 feet in height bounds the subject rear yard. Former Great Falls Electric Railway Company right-of-way owned by the District of Columbia extends along the southwest (rear) property line, with undeveloped parkland beyond.

The attached semi-detached dwelling on lot 28 to the southeast is of similar design without the rear deck. Both attached dwellings set 17-18 feet back from the Sherier Place right-of-way. Lot 28 and 29 are also both 25 feet wide along the street frontage. Note that the abutting property to the northwest is the consolidation of lots 30 and 31. As a result lot 81 is 50 feet wide and 0.15-acre (6,956 square feet) in size, with an existing dwelling in the center (5110 Sherier Place) set approximately 17 feet back from the street right-of-way.

The balance of the square is primarily developed with similar one-family dwellings, and zoned Residential (R-1-B) District (refer to Exhibit 1).

BZA
Case No. 17159
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17159
EXHIBIT NO. 27

**APPLICANT'S PROPOSAL**

The Applicants would like to replace the existing rear deck with a two-story frame addition to provide basement office space, a ground floor family room and a covered rear porch, and a second-floor master bedroom suite and exterior balcony. According to the submitted building plans, the cedar shingles, "double wored" siding and stone face block used on the addition exterior will match the existing dwelling. The northern façade of the addition include window and door openings, however there will be no openings on the southeastern façade constructed on the boundary shared with the attached dwelling on Lot 28. The submitted zoning tabulation indicates that the proposed addition would continue the existing side yard setbacks of 7 feet along the northeastern property line and 0 feet along the southeastern property line. No other exterior changes are proposed under the application.

**EXISTING ZONING AND RELIEF REQUESTED**

The site is zoned R-1-B. Section 201.1 of the Zoning Regulations does not list semi-detached dwellings as a land use allowed in this zone district. One-family semi-detached dwellings are first allowed in R-2 districts. The dwelling on the subject property is, however, legally nonconforming because it predates the current zoning regulations, and does not meet the minimum 8-foot setback required along both side property lines (recall the subject dwelling is attached to the dwelling on lot 28 along the southeastern boundary).

The Zoning Regulations include provisions for expansion of nonconforming buildings devoted to a conforming (single-family residential) 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."

The tabulation indicates the total lot occupancy percentage of this proposal would be 34%, less than the 40% allowed under Section 403.2 of the Zoning Regulations. Since this proposal would extend existing nonconforming side yard set backs of 0 feet along the southeastern property boundary, the Applicants submitted the instant application requesting 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 to extend existing nonconforming side yards setback 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;* District land records indicate the detached dwelling on abutting lot 81 is set back 9 feet from both side property lines. Together with the 7-foot setback on the subject property, the total distance between dwellings on lots 29 and 81 is 16 feet, the distance the would result if required side yard setbacks were provided on both lots. Lot 28 should not experience a significant reduction to the amount of air and light due to the southwestern orientation of the addition, and because the addition would only cast a shadow in the late afternoon. Thus the proposed addition would not impact air and light to the adjacent dwellings, and should not impact the current enjoyment of adjacent rear yards.

*(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;* Existing dwellings on lots 81, 29 (the subject property) and 28 are all set back 17-18 feet from Sherier Place. The one-family detached dwelling on the lot 81 (5110 Sherier Place) extends approximately 63 feet further southwest toward the rear property line (excluding the front and rear deck), and the southern half of the exterior wall facing the subject property does not include any windows. This proposal would result in the subject dwelling extending approximately 23 feet further toward the rear boundary (excluding the rear deck) or a total of 57 feet. Thus, the visibility of the neighboring rear yard would not increase because the proposed addition would not extend beyond the facing exterior wall of the dwelling on lot 81.

Since the southeastern façade of the addition would not have any window or door openings facing lot 28, visibility into the yard from the subject property would be reduced and not increased. There are no occupied properties to the rear of this site. Therefore, the privacy of use and enjoyment of neighboring properties should not be 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 construction would be similar to what exists, so the addition would not intrude on the character, scale or pattern of area residential development. There is no rear alley.

*(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 the square for Low Density residential development characterized by single-family detached and attached dwellings as predominant uses.

**COMMUNITY COMMENTS**
During its regular meeting on April 8, 2004, Advisory Neighborhood Commission (ANC) 3D unanimously recommended approval of this request.

**RECOMMENDATION**
The Office of Planning recommends approval of a special exception to extend the existing nonconforming side yard setbacks of 0 feet and 7 feet.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning
Exhibit 2 Perspective View from the South

**Exhibit 1**




**BZA 17159 - 5104 Sherier Place, NW**

N

Feet

0 20 40

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

**Office of Planning ~ May 3, 2004**

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**Legend**

- Public School Sites
- Water
- Street Centerlines
- Zoning Districts
- Property Squares
- College Campuses

**Exhibit 2**




**BZA 17159 - 5104 Sherier Place, NW**
**View from the South**

N

Feet
0 20 40

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

**Office of Planning ~ May 11, 2004**

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**Legend**

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*** property line locations are approximated**