GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: June 8, 2004

SUBJECT: BZA Application 17180

APPLICATION
David Lenk, the agent representing the Applicant, requests a special exception under Section 223.1 to allow construction of a one-story addition on the rear façade of a detached one-family dwelling located at 6520 8th Street, N.W. (Square 2973 Lot 100) 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 increase the allowable lot occupancy percentage to 44%; and reduce the required side yard setback along the southern property boundary to 4 feet, with the condition that the shingles be installed on the addition roof that resemble the shingles on the dwelling.

SITE AND AREA DESCRIPTION
The subject property is approximately 0.13-acre (5,784 square foot) in size immediately west of 8th Street, N.W. It is developed with a two-story one-family detached dwelling (circa 1938) of masonry construction. An existing one-story wood-frame addition with siding is attached to the rear dwelling façade. Sliding glass doors on the south side to the addition open onto a paved patio in the southern side yard. The raised-aggregate patio covers the entire side yard between the dwelling and a gated wooden board-on-board fence. This 7-foot tall fence around the side and rear yards appears closer to 6 feet tall within the southern side yard due to patio grading. An alley 15 feet wide winds along the northern (side) and western (rear) property lines. Next to the rear property line is a two-vehicle carport accessed directly from the alley, and a wooden storage building.

The balance of the square is developed with similar one-family detached dwellings, some with garages abutting the alley. The square is also under a Residential (R-1-B) zone district (refer to Exhibit 1).

BZA
Case No. 17180
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17180
EXHIBIT NO. 24

APPLICANT'S PROPOSAL

This proposal would replace most of the side yard patio with a one-story aluminum sunroom that is 14 feet x 18 feet. The new addition would be on a slab footing that would extend 4 feet further into the rear yard, and 14 feet south from the existing dwelling. The Agent indicates the interior ceiling would reach a height 7 feet, while the hip roof would range from 7.7 feet (92 inches) to 11 feet (129 inches) tall at the peak. Glass doors would surround the addition on three sides; doors on the eastern (front) and western (rear) facades would open, but doors along the side property line would not. The Notes and Computations Sheet provided with the application indicate the new construction would reduce the southern side yard 16 feet to 3.5 feet, and increase the percentage of lot occupancy from 39% to approximately 44%. No other exterior changes are proposed.

After reviewing construction plans, the Department of Consumer and Regulatory Affairs Zoning Review Branch stated in a letter to the Board of Zoning Adjustment (BZA) dated March 2, 2004, that this proposal requires Special Exception relief pursuant to Section 223.1 of the Zoning Regulations from the;

- maximum 40% lot occupancy allowed in the R-1-B zone district under Section 403.2;
- limitations on additions to nonconforming structures under Section 2001.3; and
- minimum required 8-foot side yard setback under Section 405.1.

Note that the Board previously approved BZA Application No. 11797 on November 20, 1974, granting an area variance requested by the same Applicants to allow the existing addition to extend the nonconforming 2-foot side yard setback along the northern boundary.

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, accessory private garages (carports) and storage buildings as a matter of right. Based on D.C. Surveyor records, the existing dwelling is setback approximately 26 feet from 8th Street, 2 feet from the northern (side) property boundary, 16 feet from the southern (side) boundary, and 67-80 feet from the angled western (rear) boundary.

The existing 2-foot setback north of the 1930's dwelling is inconsistent with the 8 feet required under Section 405.9. The current 16-foot setback in the southern side yard exceeds the minimum requirement. Based on public land records and the submitted plans, OP calculates that the existing 2-foot setback from the northern property line, 22-foot wide dwelling, and proposed 14-foot addition would leave a 2-foot side yard setback on this 40-foot wide lot (instead of the 3.5 feet listed in the application). This setback would not meet the referenced requirement, creating a new nonconformity on the property. The addition would decrease the rear yard to 63-76 feet, which still exceeds the 25 feet required under Section 404.1. The total lot occupancy percentage would increase to 44%, more than the 40% allowed under Section 403.2. In summary, this proposal would meet the rear yard setback requirement, create a new nonconforming side yard setback, and exceed the percentage of lot occupancy limitation for this zone district.

Zoning regulations include the following provisions regarding expansion of such buildings:

"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, conforming aspect of the structure; nor
(3) Create any new nonconformity of structure and addition combined."

Since proposed construction would create a new nonconforming side yard, and exceed the allowable percentage of lot occupancy, the Agent filed the instant application on behalf of the Applicants requesting special exception relief under Section 223 from the requirements of Sections 403.2, 405.9 and 2001.3.

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 reduce the required side yard setback, and increase the allowable percentage of lot occupancy 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;* The only property potentially impacted by this proposal is the neighboring single-family detached dwelling to the south (lot 823). The addition would extend 4 feet further into the rear yard, but this should not significantly increase visibility into the neighboring rear yard because the wooden fence would continue to surround the side and rear yards. Although the addition roof would reach a height of nearly 11 feet, shadows cast by this addition would be predominantly east-to-west which would have minimum impact of the property to the south. Addition door openings would not exceed 7 feet in height, so the fence would also screen most into the adjacent property. Thus, the proposed addition would not impact air and light to the adjacent dwelling, and would not impact the current enjoyment of adjacent yards.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;* Based on the above information, the privacy of neighboring side and rear yards would not substantially change.

(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 the surrounding alley, however the aluminum building would be visible over the fence from the 8th Street. The Agent indicated the only roof color options are limited to white, bronze or sandstone. The roof cannot be painted, but shingles can be applied. As a result, OP recommends a requirement to shingle the addition roof a gray color to resemble the shingles on the dwelling roof. With this treatment, the new addition 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-1 and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.* This is proposal is consistent with this limitation.

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.* Staff recommends installing shingles on the addition roof to resemble the shingles on the dwelling, and maintaining at least a 4-foot setback from the fence. The purpose of this setback is to provide sufficient space to conduct maintenance on the addition, fence and intervening patio area.

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
Advisory Neighborhood Commission (ANC) 3D unanimously recommended conditional approval of this request during its regular meeting on April 22, 2004.

RECOMMENDATION
The Office of Planning recommends approval of a special exception to increase the allowable lot occupancy percentage to 44%; and reduce the required side yard setback along the southern property boundary to 4 feet, with the condition that the shingles be installed on the addition roof that resemble the shingles on the dwelling.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning
Exhibit 2 View from the East

Exhibit 1



BZA 17180 - 6520 8th Street NW
Aerial & Zoning

N

Feet

0 20 40

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

Office of Planning ~ May 26, 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. Oblique imagery ©2003 Pictometry International

Legend

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

NOTES:

* from land records in D.C. Surveyor's Office
** from submitted plans
*** GIS measurement

Exhibit 2



BZA 17180 - 6520 8th Street NW
View from the East

N

Feet
0 20 40

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