GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: June 22, 2004

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Application #17182
Brown Property
1385 Barnaby Terrace, SE
Square 5923 Lot 49

SUMMARY

Barbara M. Brown, the owner of the subject property seeks approval, pursuant to 11 DCMR § 3104.1, of a special exception to allow a deck addition to a single-family dwelling under §223, not meeting the lot occupancy requirements (§403), and the court requirements (§406) in the R-5-A District at premises 1385 Barnaby Terrace, SE (Square 5923, Lot 49). The applicant proposes a 1-story addition to the existing two-story row dwelling in the R-5-A zone. The lot and structure were authorized in accordance with §353 for new residential construction in the R-5-A zone and §410 allowing semi-detached and row dwellings with division walls from the ground up to be erected and deemed a single building under BZA Order No. 11785. The applicant may also need a modification to this order to permit the proposed addition and/or relief from the floor area ratio provisions of §402.

Recommendation:

Because the proposed addition affects not only the FAR of the individual lot and the cumulative FAR of the row house development as approved by BZA Order 11785 under the R-5-A provisions the Office of Planning cannot make a recommendation at this time due to the questions regarding the relief required and the lack of information currently available about BZA Application No. 11785. The Office of Planning has requested that the case file be retrieved from storage as well as the transcripts from the hearing. In addition, OP has requested additional

BZA
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Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 24

information on the relief required from the Office of the Zoning Administrator. OP has contacted the applicant's representative who indicated no objection to deferring the application pending resolution of the relief issue.

Background

The subject property, at 1385 Barnaby Terrace, SE (Square 5923, Lot 49), is located in the R-5-A Zone District (See Attachment 1). An existing two-story row dwelling currently occupies the site. The mostly brick structure was built in 1976 as part of the Highpoint Association development.

The lot is toward the middle of the block and shares common walls with similar dwellings to either side. The neighborhood is characterized by a mix of low scale semi-detached and row dwellings and multi-family dwellings. Except for a small Neighborhood Shopping District (C-1) to the west along Wheeler Road, SE the surrounding neighborhood lies in the R-5-A District.

The existing structure, in isolation, does not meet the lot occupancy, floor area ratio, parking, or rear yard requirements of the R-5-A District. This may be why the referral from the Office of the Zoning Administrator indicates that relief is required from the non-conforming structure provisions of §2001.3. However, the structure and lot should be considered conforming to the regulations as it was built in conformance with the approved special exception that allows evaluation of the entire row of dwellings as one structure. In addition, a common parking lot is provided for the development. Since, from a zoning standpoint, this lot is intricately linked to the Board of Zoning Adjustment special exception, it follows that this addition should be looked at holistically.

The Office of the Zoning Administrator also indicated three other areas of relief required for the proposed development. These are relief from the lot occupancy requirements (§403), relief from the rear yard requirements (§404), and relief from the side yard requirements (§405). However, the existing structure and its addition were not accurately depicted by the applicant on the plat and further analysis of the relief required.

Project Description

The applicant proposes adding a new one-story sunroom to the front (functionally the rear) of the existing structure. The sunroom extends for 13 feet of the 18-foot width of the property and 12 feet into the front yard. *Masonry firewalls will be constructed on either side of the addition.* The addition will create a 5' wide by 12' deep open court. The addition will have a sloped metal roof and metal frame widows.

Comprehensive Plan

The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. Comprehensive Plan Section 1104.1(h) outlines a policy to "encourage the maintenance of existing housing stock and, where appropriate, the rehabilitation and new construction of detached and row housing." The property is identified as moderate density residential on the General Land Use map, which includes row houses and garden apartments as

the predominant uses and may also include, as appropriate uses, low density housing.

Zoning

An addition to a one-family dwelling that does not comply with all of the requirements of §§401, 403, 404, 405, 406 or 2001.3 shall be permitted if approved by the Board of Zoning Adjustment, subject to the provisions of §223. The proposed addition will not comply with the floor area ratio provisions of §402, which allows a maximum FAR of 0.9 (1.1 proposed). The proposed addition will not comply with the lot occupancy requirements of §403, which permits a lot occupancy of only 40% (62% proposed). In addition, the existing structure does not comply with the court requirements of §406.

The application and the Office of the Zoning Administrator referral letter do not discuss the need for a variance from the floor area ratio requirements. The R-5-A zone sets a maximum floor area ratio of 0.9. The new addition would increase the floor area ratio on the subject lot to 1.1. Section 223 does not include relief from the provisions of §402 (FAR) and therefore an additional variance would be required. Since the existing structure and lot was permitted by the Board by special exception pursuant to the R-5-A provisions and Order 11785, OP has requested that the Zoning Administrator indicate whether or not a modification to this special exception is required.

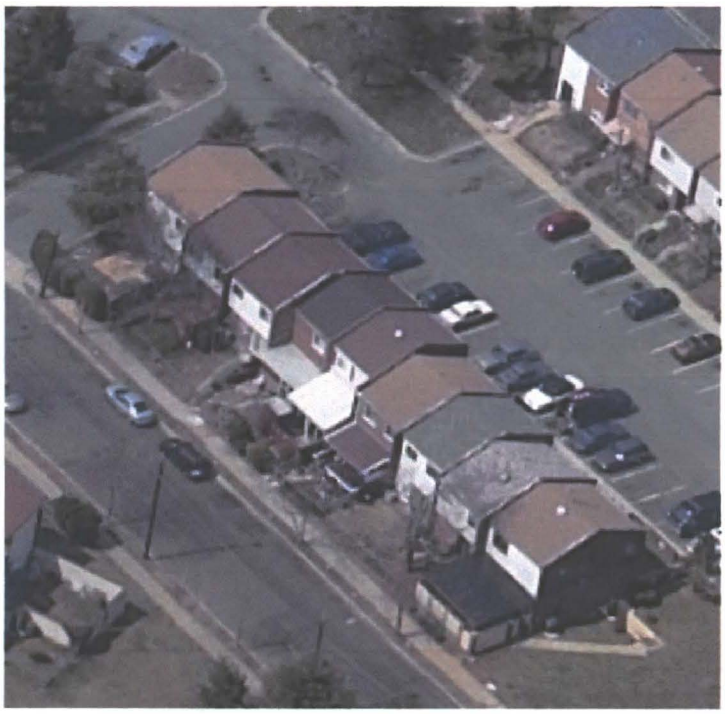
Section 223 requires that the non-complying addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property; in particular:

The light and air available to neighboring properties shall not be unduly affected;
Based on analysis by the Office of Planning the amount of light and air available to neighboring properties will not be unduly affected by the proposed addition. The small sunroom will not significantly impact the light and air available to neighboring properties because of the low height of the addition. The masonry walls proposed start at 12' in height at the building face and decrease to 10' in height at the front.

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised
The windows in the sunroom will only face Barnaby Street and therefore will not impact the privacy of use and enjoyment of neighboring properties.

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 applicant has not shown that the proposed addition meets this test. The original application incorrectly shows the addition as being added to the north side of the house away from Barnaby Street; however, the sunroom will actually be constructed on the south side of the house facing Barnaby Street. Except for some canopies on lots 46, 47 and 48 and a large one-story addition on lot 43, which may not have been legally constructed, no similar additions can be found on the street frontage. The proposed addition may visually intrude upon the character, scale and pattern

of houses along the street frontage. However, since the street frontage is functionally treated as a rear yard as the houses front on the interior parking lot the visual character of the street frontage does not have the integrity that this provision seeks to protect, that might be found on a typical residential street frontage. The facades of the structures making up the street frontage are a mixture of brick and siding. The Office of Planning believes that providing a brick veneer that matches the house on these walls and providing shingles on the roof of the addition that match the roof of the house would lessen the impact on the character of the street frontage.



Given the above and the lack of information regarding the original special exception the Office of Planning cannot determine if the special exception 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.

Community Comments

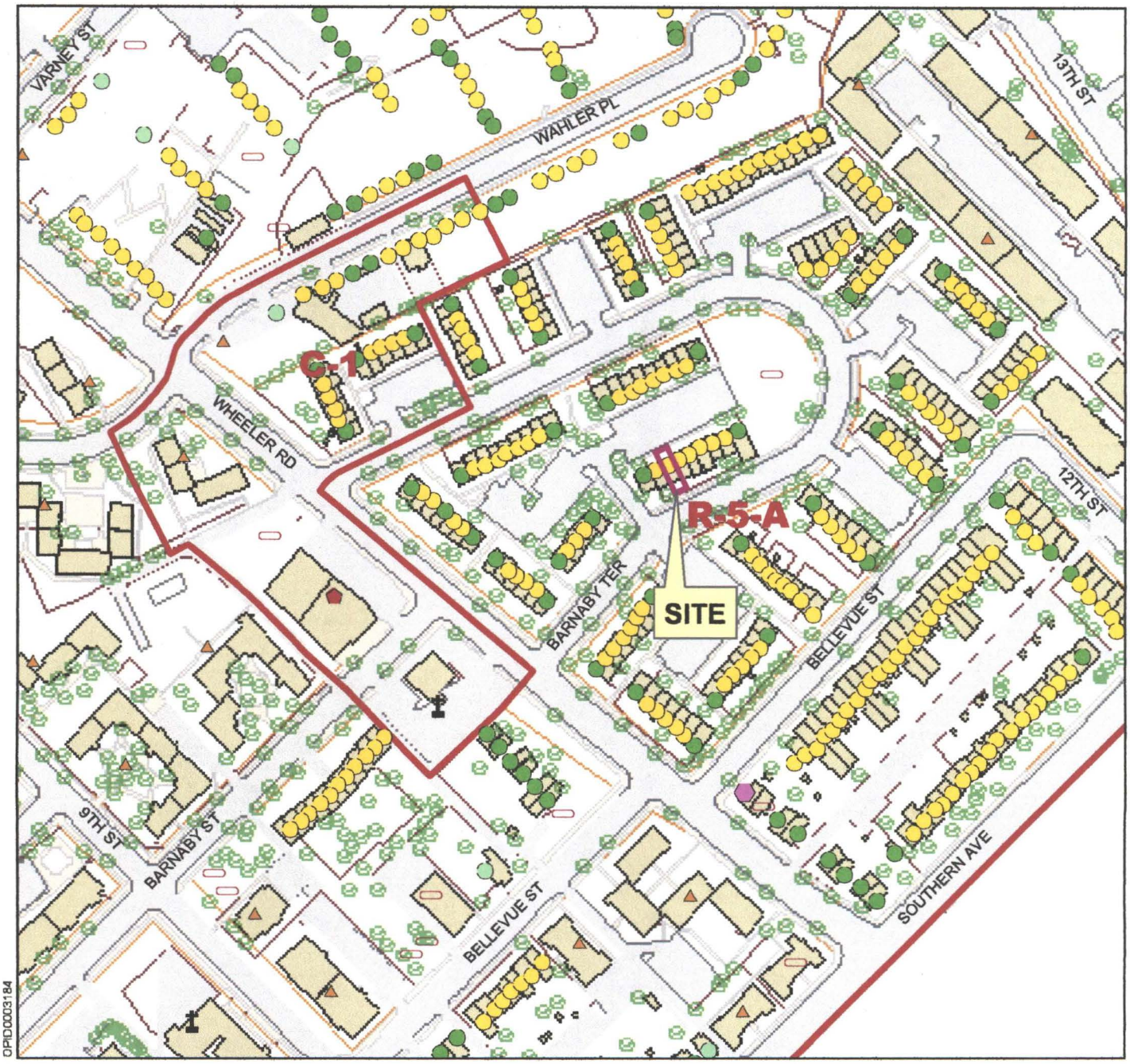
The application is in ANC 8E. At the time of this report no information was available on the ANC recommendation.

Recommendation

The Office of Planning recommends this application be deferred to allow further determination from the Zoning Administrator of the relief required and to permit the applicant additional time to address the relief required and meet the burden of proof. Aside from the technical zoning issues OP see no adverse planning issue related to the proposed addition.

ATTACHMENTS:

1. Location Map
2. Comprehensive Plan
3. Aerial Photo
4. Aerial Oblique Photos



Zoning and Land Use
BZA Application #17182
1385 Barnaby Terrace, SE

N

Feet

0 100 200 300

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Office of Planning ~ May 10, 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.



Land Use Legend

- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Multi-family
- Store
- Office
- Religious
- Vacant

Note: Land Use Info based on OTR records.

Attachment 1



Comprehensive Plan Map
BZA Application #17182
1385 Barnaby Terrace, SE

N

Feet

0 200 400 600

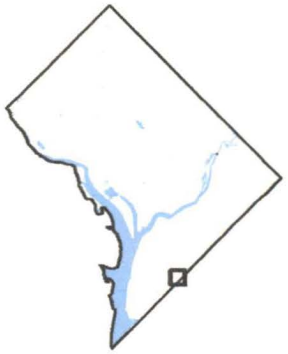
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Office of Planning ~ June 2, 2004

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Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment



Attachment 2



Aerial Photo
BZA Application #17182
1385 Barnaby Terrace, SE

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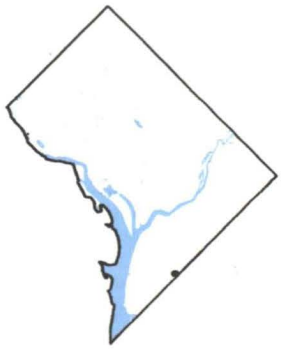
Feet

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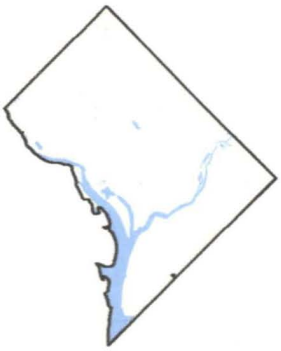
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Attachment 3



Aerial Oblique Photos
BZA Application #17182



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Oblique imagery ©2003 Pictometry International

☆ Subject Site - 1385 Bamaby Terrace, SE

Attachment 4