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: July 13, 2004

SUBJECT: BZA Application 17195 – Finkelstein Addition
3300 Cleveland Avenue, N.W. (Square 2100, Lot 6)

APPLICATION

An application by Jon and Christina Finkelstein requesting a special exception under Section 223 pursuant to 11 DCMR §3104, to allow an addition to a residence at 3300 Cleveland Avenue, N.W., which does not meet the rear yard requirement in an R-1-B Zone District.

SUMMARY RECOMMENDATION

The Office of Planning recommends **approval** of the special exception from the required rear yard setback.

SITE AND AREA DESCRIPTION

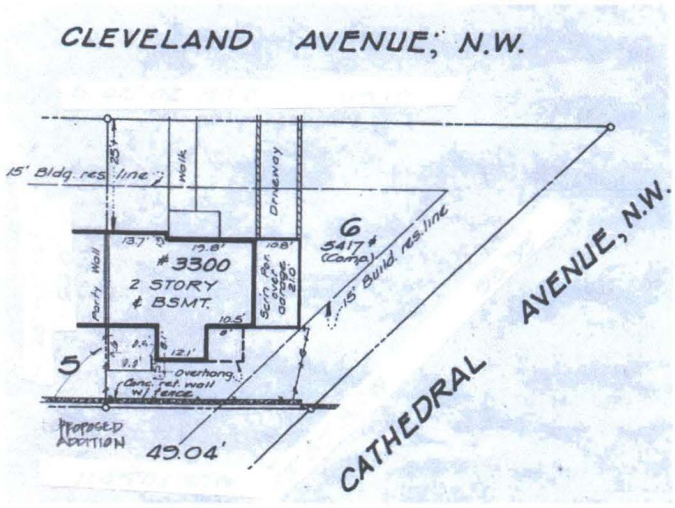
The subject property is located at 3300 Cleveland Avenue, N.W, Square 2100, Lot 6, (Attachment 1). The property is developed with a two-story semi-detached house. The surrounding area is a residential neighborhood consisting of single-family detached, semi-detached, and triplex houses. The area is zoned R-1-B.

PROJECT DESCRIPTION

The applicant is proposing to construct a two-story addition to the rear of the property to accommodate an enlargement to the existing kitchen on the first floor and a bedroom on the second floor. The proposed addition will result in further reducing the rear yard requirement that it does not presently meet.

BZA
Case No. 17195
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17195
EXHIBIT NO. 25



ANALYSIS

Special Exception

Section 223 provides relief based on specific criteria under which additions to one-family dwellings may be permitted within a residential district.

The proposed addition must satisfy the criteria as follows:

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the requirements of §§401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception by the Board of Zoning Adjustment under §3104, subject tot the provisions of this section.

The two-story addition is to a permitted single-family residence that is not in conformance with Section 404 (rear yard) since the original structure predates the 1958 Zoning Regulations.

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 existing structure was built before 1958 with a nonconforming rear yard. The proposed addition will be on the southwestern portion of the building that has a small alcove area. The addition will enclose the alcove area for a length of 9.6-feet. This extension will be 1.5-feet beyond the portion of the southernmost portion of the existing building. The existing rear yard measures 9-feet and the proposed addition will reduce the rear yard setback to 8-feet. Trees and shrubs also separate the area between the subject property and the neighbors to the rear. The existing vegetation will help to buffer the site from the adjacent property. In addition, the placement of the addition and the shape of the lot

minimize the afternoon shadows on the adjoining property because the extension is only 1.5 feet into the rear yard.

> ***(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.***

The proposed addition will be an extension of the existing building and the façade will not change much in that there will be the same number of window overlooking the house to the rear of the subject property. The window that overlooks the adjoining property will be removed and therefore they will be afforded additional privacy. Further, there are trees and shrubbery on the adjacent properties that the addition will not affect. Therefore, the use and privacy of the neighboring properties will not be compromised by the addition.

> ***(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 subject street frontage.***

The building addition will not be visible from Cleveland Avenue. The addition may be slightly visible from Cathedral Avenue but the addition will be largely shielded by the existing building. Existing shrub on the property will also contribute to further minimize visibility from Cathedral Avenue. The applicant has submitted that they will endeavor to use materials such as brick and stucco similar to those on other homes in the neighborhood. Therefore, the addition together with the original building, does not intrude upon the character, scale and pattern of houses along the street frontage.

> ***(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.***

The applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

The structure is non-conforming due to its rear yard since it predates the 1958 Zoning Regulations. The new addition reduces the rear yard further by 1.5 feet as most of the addition it aligns with the original structure. OP is satisfied that the applicant has met the criteria for special exception relief of Section 223 and granting relief would not adversely affect the use of the neighboring properties.

COMMUNITY COMMENTS

The application was reviewed by ANC-3C on June 21, 2004 and they recommended approval of the special exception request.

CONCLUSION

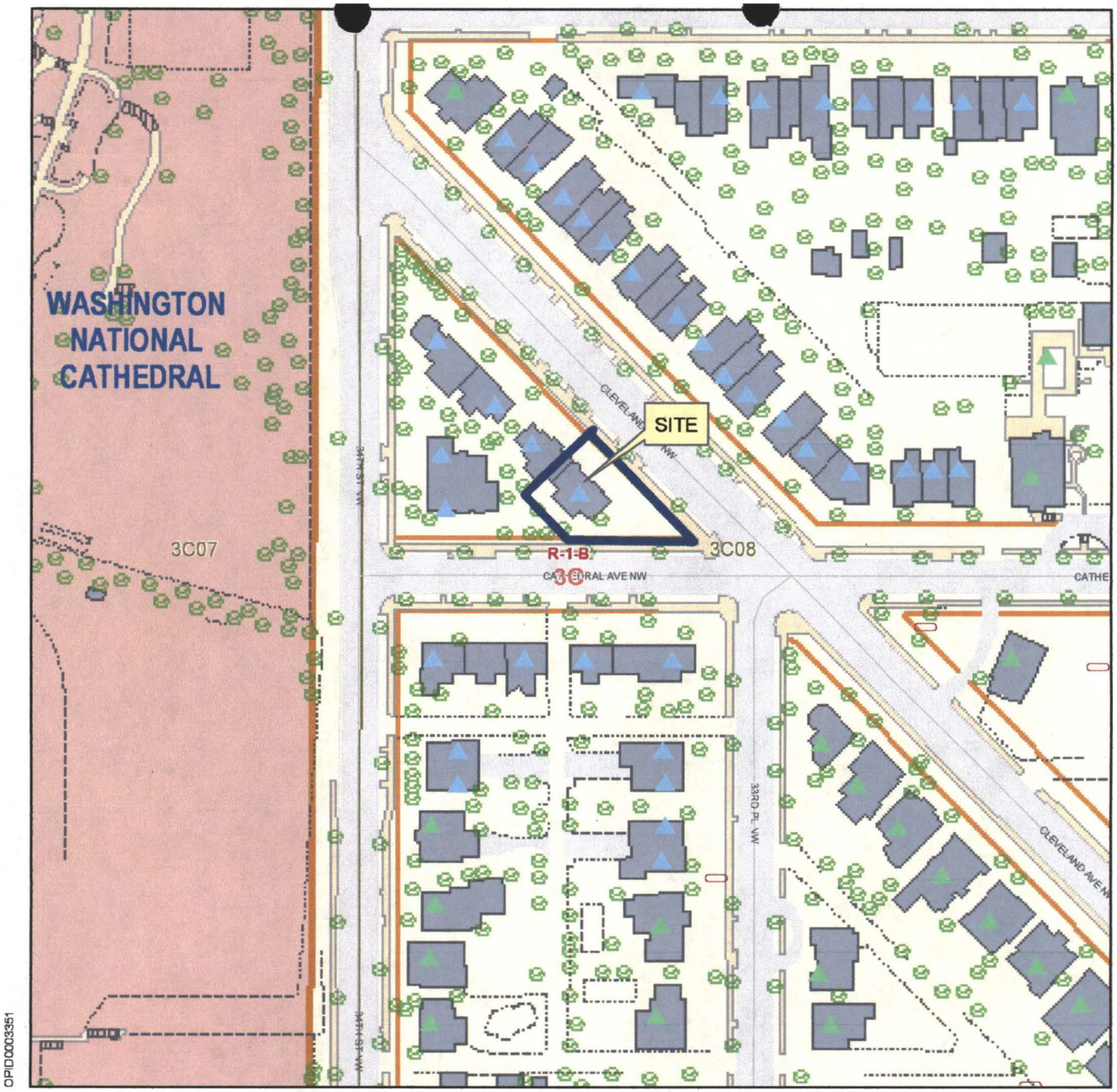
The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 and Section 223 of the Zoning Regulations, for the granting of a special exception to permit the expansion of a nonconforming structure. The request can be granted without substantial

detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations. The Office of Planning recommends **approval** of the special exception by the Board of Zoning Adjustment to allow the proposed addition.

ATT:

1. Zoning and Land Use Map

AA/mbr



Zoning and Land Use
Finkelstein Addition
3300 Cleveland Avenue, N.W.
BZA #17195

N

Feet

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

Office of Planning – Juy 06, 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

- Single-Family Detached
- Single-Family Semi-Detached
- Store
- Office
- Bank
- Motor Vehicle Sales and Service
- Light Industrial
- Warehouse
- Educational
- Public Service
- Vacant
- Vacant w/Commercial Improvements



Note: Land Use Info based on OTR records.

Attachment 1