GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: ~~Andrew Altman~~ JLS for, Director
Office of Planning

DATE: September 14, 2004

SUBJECT: BZA Case No. 17205
Richard Flax & Kathy Alley – Special Exception

APPLICATION
The application by Richard Flax & Kathy Alley pursuant to 11 DCMR 3104.1, for a special exception to allow an increase in the lot occupancy requirements for a one-family dwelling 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 subject property is in the Kalorma Heights Neighborhood of Ward 2, located at 2400 Wyoming Avenue, N.W., (Square 2504, Lot 805). The property is on the southwest corner of the intersection of Wyoming Avenue & 24th Streets. Wyoming Avenue bounds the site to the north, Tracy Place to the south, 24thth Street to the east and Kalorma Road to the west. A public alley does not serve the subject square.

The subject property is improved with a two-story single-family dwelling with basement. It was built of brick veneer in 1926, prior to the adoption of the current Zoning Regulations in 1958. Therefore, the structure does not comply with some of the zoning requirements, such as lot occupancy. Most of the dwellings on the square were built around the same time as the subject dwelling.

The subject property slopes sharply from the Wyoming Avenue front to the rear yard. The first floor, which is less than four feet above grade at the front, slopes from approximately 5'-6" to 10'-6" above the existing rear yard. The rear of the existing

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Dwelling is elevated above the existing grade because of the slope. Presently the rear of the dwelling consists of a one-story sunroom, with decks to the east and west sides. The deck on the west side includes a pergola and a hot tub. The deck to the east (the subject area, and the larger of the two decks) is covered with vegetation, and has an existing planter/fountain at its base. There are stairs from both decks, which lead to a patio surrounding a swimming pool at the bottom of the rear elevation. The pool consumes most of the rear yard area. There is a stepped down garden patio on the west side of the pool that covers the western portion of the rear yard.



North view of sunroom with decks on both sides



(1) Looking south at neighboring garage at rear of subject site and, (2) Dwelling west of subject site.

PROPOSAL

The applicant proposes to build a roof and screen in an existing deck, located to the rear of the property on the east side. The intention is to create more enjoyable living space for a longer portion of the year.

ZONING ANALYSIS

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

The maximum lot occupancy in the R-1-B District is 40% for any structure other than churches or public schools. The existing dwelling is already at 49.56% of the allowable lot occupancy. This is because the subject property is nonconforming in terms of lot size. The minimum lot area of lots in the R-1-B District is 5,000 square feet. The subject lot is only 4,631.25 square feet. Additionally, the steep topography of the property renders the first floor, which is less than four feet above grade at the front on Wyoming Avenue, between 5'-6" and 10'—6" above the existing rear yard. Therefore, the existing decks at the level of the first floor are already included in the lot occupancy.

Section 223 permits consideration of lot occupancy up to 70% in the R-1-B District by special exception

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS **(R-1)**

Limited additions to non-conforming, one-family dwellings 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?



North view of subject property showing light.

No. The passage of light and air to neighboring properties will not be impaired by the enclosure of the subject deck. The subject dwelling is on a corner lot at the southwest intersection of Wyoming Avenue and 24th Street. The neighboring properties to the east are across 24th Street, and the properties opposite the front of the subject property are on the north side of Wyoming Avenue. None of these properties will have air or light affected by the enclosing of a deck on the rear of the subject property. Tracy Place, which is to the rear or south of the subject property, slopes even more than the subject block and air and light provisions will not be affected. Adjacent properties west of the subject property on Wyoming Avenue will continue to enjoy the same amount of air and light as the subject property.

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



Northeast view of dwelling on the west side of subject dwelling.

No. The proposed porch enclosure will be no more intrusive on neighboring properties than the existing deck, which is already accepted by neighboring property owners. The proposed screening and roofing of an existing deck will not be visible from the north or front along the 2400 block of Wyoming Avenue, nor the rear of properties to the south on Tracy place. The only partial view

of the enclosed porch will be from the east side of 24th Street, and a six-foot wooden fence and mature trees block that view.

(c) Will the addition, together with the original building, as viewed from the street, alleys, and other public way, substantially visually intrude upon the character, scale and pattern of houses along the street frontage?

No. The subject porch enclosure will not intrude upon the character of the frontage because it is located at the rear of the house. The porch will not be visible from the front of the property, (Wyoming Avenue) because it will be set back slightly from the building ling as the existing house. The enclosure of the subject deck will enhance the character, scale and pattern of houses on 24th Street, the only area where the enclosure will be visible.



North view of area where the new screened porch will be located.

(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 relation of the proposed porch to existing dwelling 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-5 districts.

The maximum lot occupancy in the R-1-B District is 40% for any structure other than churches or public schools. The existing dwelling is already at 49.56% of the allowable lot occupancy. The enclosure of the subject deck will not increase the percent of lot occupancy because the deck area is already calculated in the lot occupancy. This is because the first floor of the subject dwelling is less than four feet above grade at the front on Wyoming Avenue, and between 5'- 6" and 10'- 6" above the existing rear yard. Therefore, the existing decks at the level of the first floor are already included in the lot occupancy.

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. The requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map. The property will continue to be used for the intended single-family residential purpose. Additions to one-family dwellings are permitted in R-1-B Districts if approved by the Board of Zoning Adjustment. The referenced dwelling was constructed prior to the adoption of the Zoning Act of 1958, and thus, some aspects of the premise (lot occupancy) do not conform to the Zoning Regulations. The porch enclosure proposed for the rear of the subject premises will be in harmony with character and scale of neighboring properties.

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

No. The requested special exception will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. The proposed porch enclosure is currently an open deck covered with vegetation. The vegetation will be replaced with a copper roof and lattice screening will enclose the porch area. As a result of the porch enclosure, the existing deck area will not change significantly from its present appearance.

COMMUNITY COMMENTS

The applicants' special exception request was presented to Advisory Neighborhood Commission (ANC) 2D at its regular monthly meeting, held on July 19, 2004. The ANC voted to support of the application.

The subject application was "supported as presented" to the Sheridan- Kalorama Historic Review Committee, at a meeting held on July 13, 2004.

OP RECOMMENDATION

After reviewing the application requesting a special exception to enclose an open deck, and create a screened porch in the rear of a single-family dwelling, the Office of Planning recommends that the Board **approve** the application. The Office of Planning 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 the proposed accessory garage will not tend to adversely affect the use of neighboring property.



Aerial Photo
BZA Application #17205

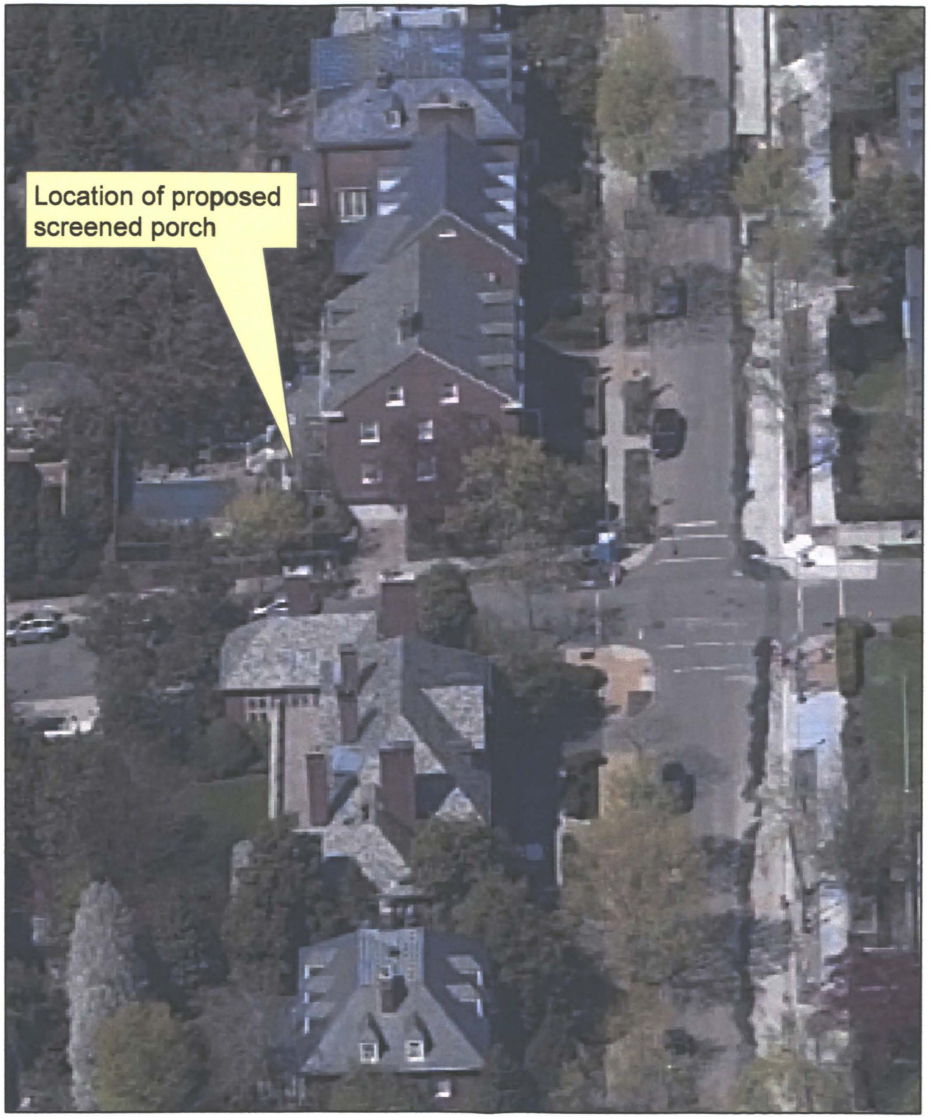
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Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ November 10, 2003

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West View, 2400 Wyoming Ave.