GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

RECEIVED
D.C. OFFICE OF PLANNING
2004 SEP 14 PM 4:22

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** JLS for
Andrew Altman
Director

**DATE** August 24, 2004

**SUBJECT:** BZA Application **17206**
3607 Newark Street, N.W.

---

**APPLICATION**

This is an application of Michael and Shaun Jones, pursuant to 11 DCMR § 3104.1, for a special exception to construct a two-story rear and side addition to an existing single-family detached dwelling under section 223, not meeting the side yard requirements (Section 405) in the R-1-B District at premises 3607 Newark Street, N.W. (Square 1914, Lots 26 and 27).

**SUMMARY RECOMMENDATION**
The Office of Planning **recommends approval** of the special exception request.

**SITE AND AREA DESCRIPTION**
The subject property is located in Square 1914 in the northwest quadrant of the District. The Square is bound by Norton Place to the north, 36th Street on the east, Wisconsin Avenue on the west and Newark Street to the south. The Square is split zoned R-1-B and R-5-B. The property is located in the R-1-B zone District, characteristic of single-family detached residences. The existing structure predates the 1958 Zoning Regulations.

**PROJECT DESCRIPTION**
The application proposes to expand the existing two-story residence with a two-story addition to the rear of the building. The addition also includes an oriel window addition on the second story, which extends into the east side yard. This window addition is the subject of the requested relief.

BZA
Case No. 17206
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17206
EXHIBIT NO. 22

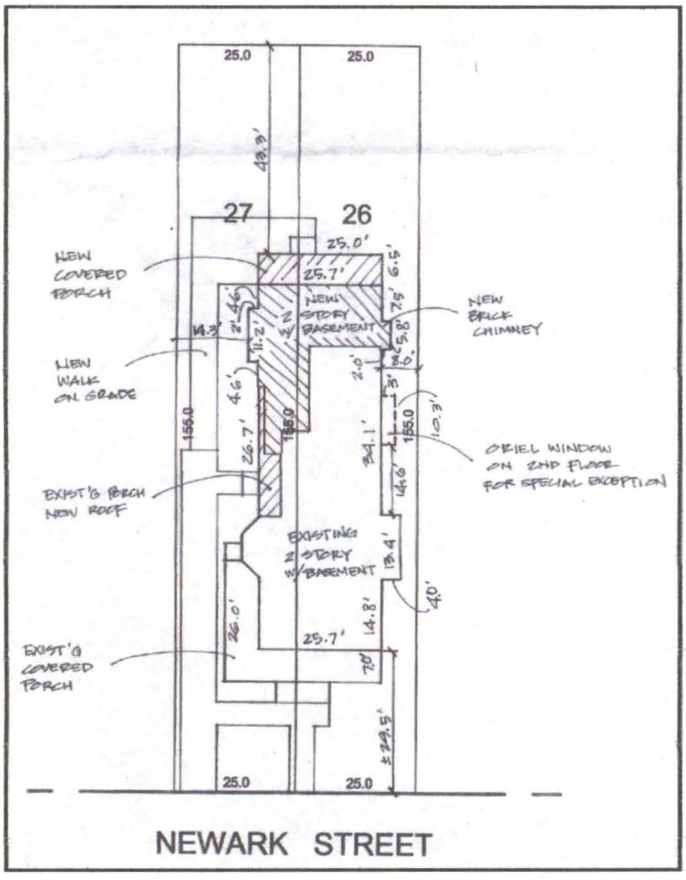
## ZONING REQUIREMENTS

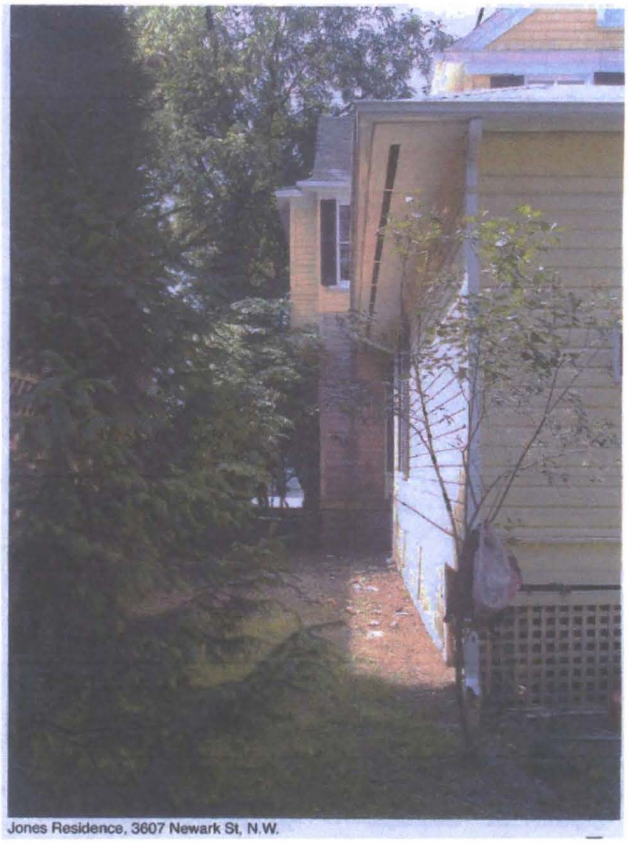
The R-1-B zone District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot width of 50 feet, a minimum lot area of 5,000 square feet, an 8-feet minimum side yard and maximum lot occupancy of 40%.

The existing structure predates the 1958 Zoning Regulations. The following shows the requirements of the Zone District in relation to existing site measurements:

| Section | Item | Required | Existing | Proposed |
|---|---|---|---|---|
| 401.3 | Lot Area | 5,000 square feet (minimum) | 7,750 square feet | N/A |
| 401.3 | Lot Width | 50 feet | 50 feet | N/A |
| 403.2 | Lot Occupancy | 40% | 24% | 33% |
| 405.9 | Side Yard | 8 feet | 8 ft. (east side yard) | 5 feet |

As shown above, the addition conforms to the lot occupancy requirements. However, as part of the overall renovation of the residence, the addition of the oriel window to the existing structure creates a reduction in the side yard measurement from 8 feet to 5 feet.





Jones Residence, 3607 Newark St, N.W.

Affected Side Yard

**Special Exception Analysis**

The applicant's request was reviewed according to the special exception criteria of §223 as follows:

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 proposed three-foot wide, second story window addition in the east side yard of the property would not exceed the projection of an existing window in the subject side yard. Therefore, the addition would not decrease the side yard measurement below what currently exists.

The addition would not affect light and air to the adjacent property, since there will be no net loss in the distance between the two residential structures, currently landscaped with trees and shrubs. Residences along Newark Street are aligned east to west; therefore, the most affected property owner to the east would not experience loss of light due to shadowing.

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

Trees and shrubs effectively screen the subject property and the most affected residence to the east. The proposed window would be installed mainly to provide light to this portion of the residence and would be effectively screened by existing trees. OP does not believe that the enjoyment of neighboring properties would be compromised.

*(c) The addition, together with the original building, as viewed from the street, alley and other public way, shall not visually intrude upon the character, scale and pattern of houses along the subject street frontage, and;*

The addition would be located in the side yard, towards the rear of the property and would project no visual intrusion upon the scale and pattern of houses along the street frontage. OP is satisfied that the addition, together with the original building conforms to the general characteristic of residences in this neighborhood.

(d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to present the relationship of the proposed addition to adjacent buildings and views from public ways.*

The applicant submitted plans and photographs in support of the relationship of the proposed addition to adjacent buildings and views from the street.

**§223.3** requires the lot occupancy not exceed 40%, including the dwelling and addition in this zone district. The proposed lot occupancy of the dwelling with the addition increases from 24% to 33%. Since the dwelling with the addition is well within the limit of the required lot occupancy, the criterion is satisfied.

**§223.4** permits the Board to request special treatment through design, screening, lighting or other features to protect adjacent or nearby properties. Based on submitted photographs and OP's site visit, OP determined that this is not necessary, since the property has adequate screening in the affected area which protects the privacy of the adjacent property.

As required by §223.5, the addition does not introduce or expand a non-conforming use, since a single-family dwelling is a permitted use in the R-1-B Zone District.

The addition is in harmony with the general purpose and intent of the Zoning Regulations, having met the above criteria required for special exception approval. The minimal reduction of the side yard to accommodate the installation of this window would have no adverse effect on the use and enjoyment of neighboring properties since the subject property is well landscaped.

## COMMUNITY COMMENTS

OP has no information at this time regarding the ANC's determination.

## CONCLUSION

The Office of Planning recommends approval of special exception relief from the side yard requirement of §405.9 to allow the addition to the subject property. The structure predates the 1958 Zoning Regulations and the window addition requires minimal reduction to the existing side yard.

OP believes that the addition and renovation, which includes the installation of the new window to the dwelling, would maintain the character of the neighborhood, while preserving the intent, purpose and integrity of the Zoning Regulations and Map.