GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: September 28, 2004

SUBJECT: BZA Case No. 17212
Harold Foster/Cheryl Tiam

APPLICATION

The application by Harold Foster and Cheryl Tiam pursuant to 11 DCMR 3104.1, for special exceptions to allow an addition to a non-conforming lot, regarding lot area, lot width and rear yard for a one-family dwelling in the R-1-B District, as outlined in Section 223 of the Zoning Regulations.

RECOMMENDATION IN BREIF

The Office of Planning recommends **approval** of the requested special exceptions.

SITE AND AREA DESCRIPTION

The subject property is in the Foxhall Neighborhood of Ward 3, located at 4527 Q Street, N.W., Square 1367, Lot 33. The subject property is on the northwest side of the block, near the intersection of 45th & Q Streets. Foxhall Road bounds the site to the north, 45th Street to the south, Q Street to the east and Salem Lane is to the west. There is a 15-foot east west public alley to the rear of the subject property.

The subject property is improved with a two-story single-family detached dwelling, constructed of brick veneer in 1941, which was prior to the adoption of the current Zoning Regulations. Therefore, the subject structure does not comply with some of the zoning requirements, such as minimum lot area, lot width or rear yard requirements.

The subject dwelling is set back approximately 33 feet from the front property line. This is due in part to the change in grade from the street level to the dwelling and to align the subject house with the neighboring house, which is nearly identically constructed.

BZA
Case No. 17212
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17212
EXHIBIT NO. 26

PROPOSAL

The applicant proposes to construct a one-story sunroom addition to the rear of the two-story dwelling. The new sunroom will create more enjoyable living space for the applicants. The new addition will add 227 square feet of space to the subject dwelling. It will extend to within 16 feet of the rear property line.



Approximate location of proposed addition.

ZONING ANALYSIS

The subject dwelling is in the R-1-B District, a district that is designed to protect quite residential areas now development with one-family detached dwellings and adjoining vacant areas likely to be developed with similar uses.



Addition on neighboring home west side of subject property.

The subject dwelling is nonconforming because it does not meet the minimum zoning standards for properties in the R-1-B District. The minimum lot area is 5000 square feet and the minimum lot width should be 50 feet. The subject lot has a lot area of only 3309 square feet, and is only 36.9 feet in width. The existing property has a rear yard of only 23 feet. The minimum required rear yard for properties in the R-1-B District is 25 feet. Therefore, the rear of the existing dwelling already encroaches into the required rear yard setback area. The applicant has no other alternative on the property to build the proposed new sunroom, other than the rear yard. There is adequate space for the addition in the front yard, but if the sunroom were added in the front yard, it would substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. Expansion into the side yard is not an option, because the existing dwelling is already within 5.5 feet of the side yard. The minimum required side yard clearance in the R-1-B District is 8.0 feet.

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

223.1An 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 sections 401, 403, 404,405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Section 3104, subject to the provisions of this section.

223.2 The addition shall not have a substantial adverse affect on the use or enjoyment of any abutting dwelling or property, in particular:
Will the proposed addition unduly affected light and air available to neighbor ion properties?

No. The subject dwelling is orientated northwest/ southeast and has a minimum of 5.0 feet between the side of the property and adjacent properties on both sides. There are adequate provisions for neighboring properties to receive light and air. The new sunroom is being designed and located to take maximum advantage of light and air.



Space between subject dwelling and dwelling to the west.

Will the proposed addition be unduly compromise the privacy of use and enjoyment of neighboring properties?

No. The proposed sunroom will only be one floor in height. There is a 15-foot unimproved public easement beyond the rear property line of the subject property, and large trees that extend beyond the rear of most dwellings on the block. The tree cover and the public easement will limit view of the new addition from neighboring properties. Additionally, the applicant has the support of neighbors on the subject block, as well as neighbors on Q Place, which is to the rear of the area of the subject lot where the addition will be built.

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

No. The new sunroom will be on the rear of the house and will not be visible from the front of the house. Thus, it will not change the character, scale or pattern of houses along the block.

In demostratingcompliance with paragraphs (a0 (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevations and

section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

The applicant provided a surveyor's plat, floor plans, elevations and photographs to represent the relationship of the proposed sunroom to the existing dwelling and to neighboring properties.

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.

Maximum lot occupancy in the R-1-B District is 40% for any structure other than churches or public schools. The existing dwelling only consumes 19% of the lot. When the new sunroom is added, the lot occupancy will increase to 27%, which is below the minimum lot occupancy.

223.4 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.

Op does not believe there is a need for the Board to impose other special treatment on this application.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use.

The addition of the proposed new sunroom will not introduce or expand a nonconforming use.

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 applicant's single-family dwelling is permitted in the R-4 District as a matter-of-right. The new sunroom is being built in order for the applicants to better enjoy their property. The subject property was improved with the existing house before the enactment of the current Zoning Regulations, and therefore is nonconforming. Section 223 of the Zoning Regulations was designed to provide the opportunity for making simple modifications to structures, such as the subject house. The proposed new sunroom will add value to the subject dwelling and will be in character, scale and pattern of other houses on the 4500 block of Q Street, NW.

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

No. The proposed new sunroom is being designed and located to minimize any adverse affect, regarding the use of neighboring properties, and will be in accordance with the Zoning Regulations and Maps.

COMMUNITY COMMENTS

The applicants presented the proposal to add a new sunroom to the rear of their home to Advisory Neighborhood Commission 3D, at a regular scheduled meeting, held on September 8, 2004. The ANC supported the application.

OP RECOMMENDATIONS

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 sunroom addition will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and would not tend to adversely affect the use of neighboring property. Therefore, OP recommends approval of the special exception request for the addition to the subject property.



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Feet

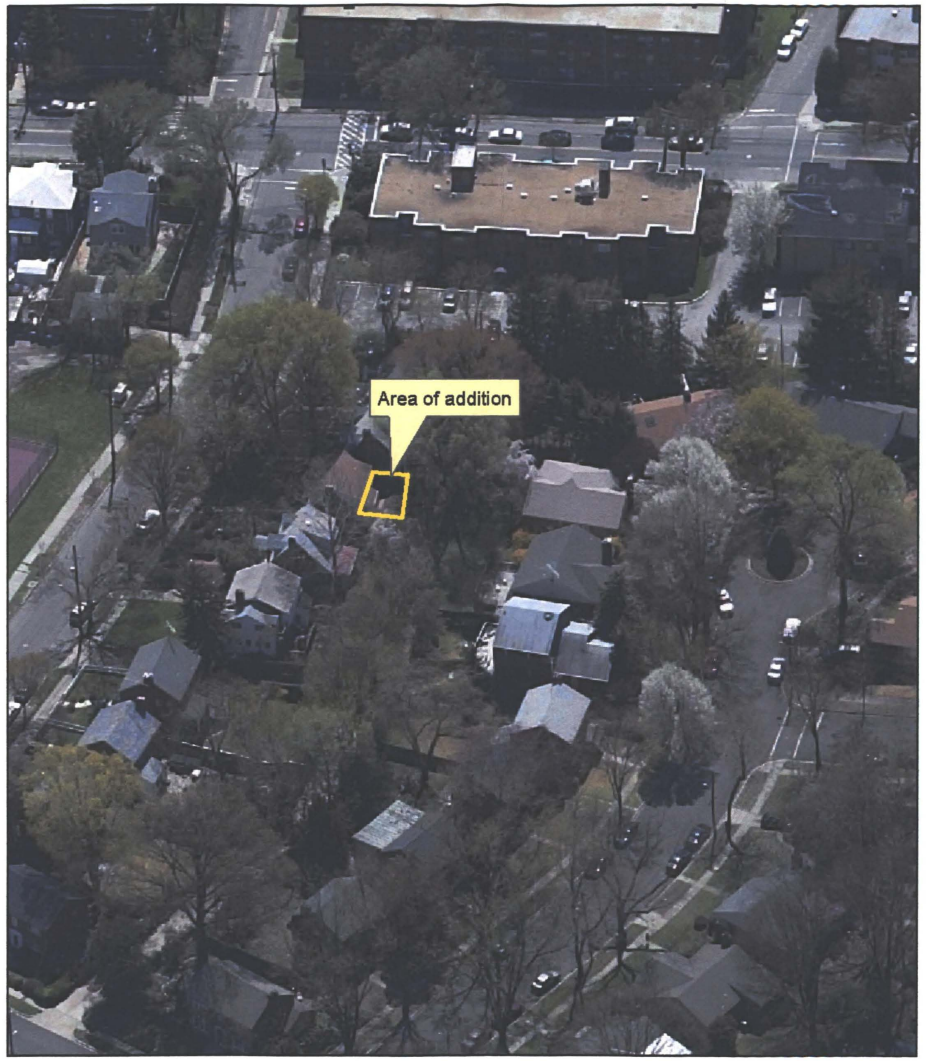
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Aerial Photo
BZA Application #17212

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

Office of Planning ~ September 13, 2004

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East view - Area of proposed addition