GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE October 14, 2004

SUBJECT: BZA Application **17230**
3304 Cleveland Avenue, N.W.

APPLICATION

Application of T. Michael Dompas and Howard R. Griffin, pursuant to 11 DCMR § 3104.1, for a special exception to allow a one-story rear addition to an existing single-family semi-detached dwelling under section 223, not meeting the rear yard (section 404), side yard (section 405) and nonconforming structure provisions (subsection 2001.3), in the R-1-B District at premises 3304 Cleveland Avenue, N.W. (Square 2100, Lot 4).

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

SITE AND AREA DESCRIPTION
The subject property is located in Square 2100 in the northwest quadrant of the District. The Square is bound by Cleveland Avenue on the east, 34th Street on the west and Cathedral Avenue to the south. The Square is zoned R-1-B, which is characteristic of single-family residences. The existing structure is semi-detached and it predates the 1958 Zoning Regulations.

PROJECT DESCRIPTION
The applicant proposes to expand the subject property's kitchen area with a 119 square-foot, single-story addition at the rear of the property. Since the property is semi-detached, it shares a party wall with an adjoining property to the northwest, at 3306 Cleveland Avenue. This expansion involves the removal of two first floor side windows of the abutting neighbor's residence.

BZA
Case No. 17230
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17230
EXHIBIT NO. 27

ZONING REQUIREMENTS

The R-1-B Zone District permits matter-of-right development of single-family detached dwellings on a minimum lot size of 5,000 square feet, of 50 feet minimum in width, an 8-feet minimum side yard and maximum lot occupancy of 40%. Section 223 permits additions to structures in this residential zone up to 50%, if there are nonconforming aspects of the lot or its structure.

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)	3,850 square feet	N/A
401.3	Lot Width	50 feet	54.25 feet	N/A
403.2	Lot Occupancy	40%	27.7%	31%
404.1	Rear Yard	25 feet	9.8 ft. (east side yard)	7.1 feet
405.9	Side Yard	8, 8 feet (both sides)	0, 10 feet	N/A

As shown above, the structure is non-conforming due to the lot area and existing rear yard. The addition would reduce the rear yard measurement from 9.8 feet to 7.1 feet. The side yard is also non-conforming but remains unchanged by the addition, since the residence is semi-detached and the addition is proposed where the subject property is separated by a party wall from the residence at 3306 Cleveland Avenue.

Special Exception Analysis

Since the addition does not comply with the requirements of §§ 401.3, 404.1, 405.9 and §2001.3, the proposal was reviewed according to the special exception criteria of §223 as follows:

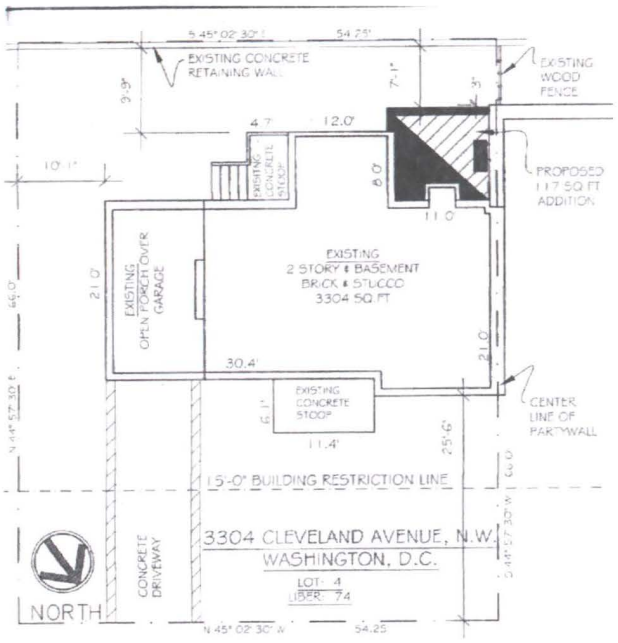
223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property in particular:

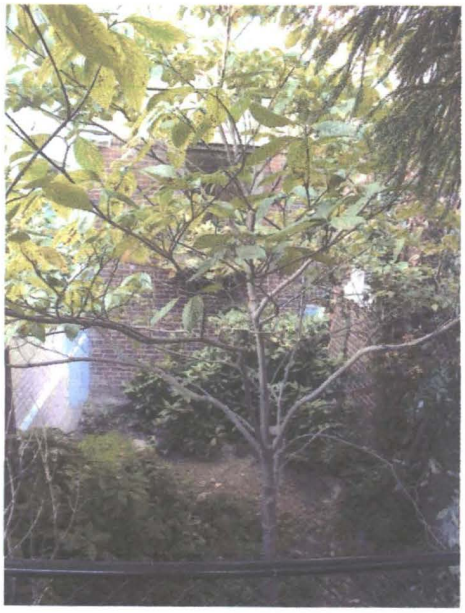
(a) The light and air available to neighboring properties shall not be unduly affected:

The proposal involves the expansion of the residence's kitchen into a court area, which abuts the neighboring property to the north. There are two windows on the lower level of the abutting property, which faces into the proposed area of the kitchen's expansion. OP notes for the record that this area provides minimal light to the neighboring property, since trees and shrubs provide shade in this area. Due to the northwest orientation of the lots, no appreciable light reflects from this space.

The applicant's submission included the most affected property owner's signed agreement concerning the addition, which includes the loss of their windows. Based on this consent agreement, ~~then~~ OP believes there is no harm done to the neighboring property due to the minimal loss of light. In addition, since it is a single story addition, the availability of light and air to the abutting residence's upper level would not be affected.

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





View of Area to be Enclosed

The removal of windows from the subject and the abutting residence, which currently face each other, would increase privacy to both properties. Further, the proposed addition would align with the rear of the abutting property and all windows will face towards the rear yard.

Trees, shrubs and fencing, would continue to provide effective screening for the neighboring property owner to the rear and the most affected property owner who shares a party wall with the subject property.

OP does not believe that the enjoyment of neighboring properties to the north and rear 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 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. In addition, due to existing landscaping provided by property owners to the rear, the addition would not be readily visible from 34th Street.

(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 50%, including the dwelling and addition in this zone district. The proposed lot occupancy of the dwelling with the addition increases from 27.7% to 31%. 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 there is adequate screening which protects the privacy of adjacent properties.

§223.5 - As required, 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 single-story 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 rear yard by 31 inches to accommodate the kitchen's addition would have no adverse effect on the use and enjoyment of neighboring properties, since the neighboring properties are well landscaped and screened by privacy fencing. OP believes privacy of the most affected property owner at 3306 Cleveland Avenue would be enhanced with the removal of windows, without adverse impact on the available light to the property.

COMMUNITY COMMENTS

ANC 3C reviewed and unanimously approved the proposed project at its regularly held meeting on September 20, 2004.

CONCLUSION

The Office of Planning recommends approval of special exception relief from the lot area, rear, and side yard requirements of §§401.3, 404.1, and 405.9 to allow the addition to the subject property. The structure predates the 1958 Zoning Regulations and OP believes that the addition would maintain the character of the neighborhood, while preserving the intent, purpose, and integrity of the Zoning Regulations and Map.

AA/kt