GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman
Director

**DATE:** November 16, 2004

**SUBJECT:** BZA Application 17243 - Request filed by Everna Brown for a **special exception** to permit a rear building addition to an existing semi-detached dwelling, for 246 Nicholson Street, N.E.

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**APPLICATION**
Application of Everna Brown for:

> **Special exception relief pursuant to § 223 of Title 11 DCMR** to permit a rear building addition to an existing semi-detached dwelling not in conformance with § 401.3, Minimum Lot Dimensions, § 403.2, Maximum Percentage of Lot Occupancy, and § 405.9, Minimum Width of Side Yard

for property located on the north side of Nicholson Street, N.E., between Second Street and Third Street, Square 3710, Lot 131.

**SUMMARY RECOMMENDATION**
The Office of Planning recommends **APPROVAL** of the request for special exception relief as submitted by the applicant.

**PROJECT DESCRIPTION**
The applicant proposes to remove the existing porch at the rear of the house to:

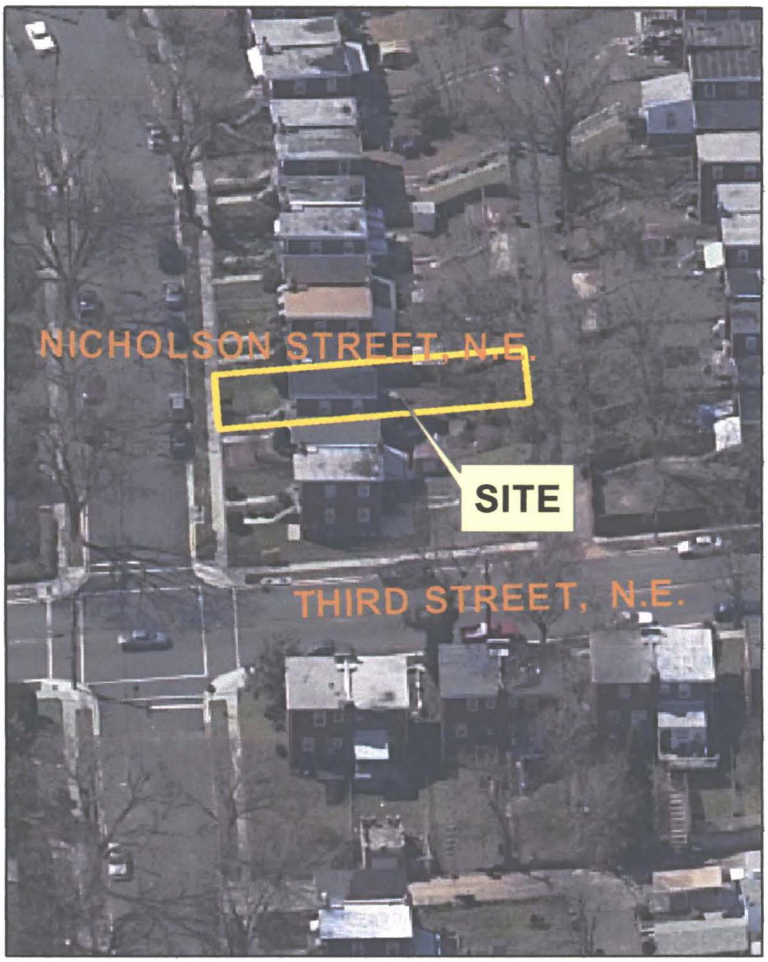
1. Construct a building addition onto the rear of the dwelling;
2. Construct a deck and chair lift at the rear of the addition; and
3. Construct a walkway from the front of the property to the chair lift at the rear of the house.

The purpose of the constructing the building addition, chair lift and walkway are to make the dwelling handicap accessible per the requirements of ADA. The existing dwelling is not currently accessible. The building addition is for a lot that is 2,145 square feet in area and 23 feet in width, less than the minimum 3,000 square feet of lot area and 30 feet of width required by § 401.3. The proposed building addition will provide a side yard of 5.20 feet, the same as the existing situation and less than

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the minimum 8 feet required under § 405.9, and increase the lot occupancy to 50 percent, more than the maximum 40 percent permitted under § 403.2 of the Zoning Regulations.




View of Subject Property from the East

**SITE AND AREA DESCRIPTION**
The subject property consists of Lot 131 of Square 3710, in the North East quadrant of the District. It is 2,145 square feet in area, has a minimum lot width of 23 feet, and is improved with a two-story semi-detached dwelling constructed in 1951. A gazebo is located within the rear yard. Rear access is provided via a 16-foot wide public alley.

The surrounding area is developed residentially with semi-detached dwellings. All surrounding properties are developed with semi-detached dwellings within the R-2 Zone District.

The area has been identified on the Generalized Land Use Map as located within the low density residential land use category- *"Single-family detached and semi-detached housing are the predominate uses."*

**EXISTING ZONING**
The subject property is located within the R-2 *"one-family, semi-detached dwellings residence district"*. (§ 105.1(a)(2))

**R-2 Residential District**
*"The R-2 District consists of those areas that have been developed with one-family, semidetached dwellings, and is designed to protect them from invasion by denser types of residential development. It shall be expected that these areas will continue to contain some small one-family detached dwellings."* (§ 300.1)

**RELIEF REQUESTED:**

**Special Exception pursuant to § 223– Additions to One-Family Dwellings or Flats**

§ 223 sets forth the specific criteria under which additions to one-family dwellings may be permitted within a residential district. Those criteria are 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 if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The proposed addition is to a one-family semi-detached dwelling in a district in which the use is permitted, the R-2 Zone District. The subject property is not in compliance with § 401, Minimum Lot Dimensions, § 403, Maximum Lot Occupancy, and § 405, Side Yards.

*"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 building addition is one-story in height and in conformance with the minimum yards required by the R-2 Zone District, with the exception of the eastern side lot line. A 20-foot rear yard is required and a rear yard of 25.67 feet is proposed, in excess of the minimum requirement, even though the lot is smaller and narrower than the minimum required within the zone district. A side yard of 5.20 feet is provided for the existing dwelling on the east side of the property and § 405.8 of the Zoning Regulations permits a side yard a minimum of 5 feet for buildings constructed on or before May 12, 1958. Although the side yard is being reduced to 5.20 feet from the minimum 8 feet required by the R-2 Zone District for the proposed building addition, this reduction is the same as the existing side yard. Therefore, this building addition will not unduly affect light and air available to neighboring properties.

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

The proposed building addition will provide all required yards as required by the R-2 Zone District, with the exception of the side yard on the east side of the property. The proposed side yard is 5.20 feet, equal to the side yard of the existing dwelling, and the proposed lot occupancy is in conformance with the maximum permitted under § 223. The building addition will be no closer to the eastern side lot line than the existing dwelling. It will also be only one story in height.

Therefore, the privacy of use and enjoyment of neighboring properties will not be unduly compromised.

(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 frontage; and*

The addition will be visible from the alley and from Third Street to the east. It will be a one-story residential building addition that is designed as and will appear as a residential structure. Therefore, it will not substantially visually intrude upon the character, scale and pattern of houses along either of the frontages.

(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 represent the relationship of the proposed addition to adjacent buildings and views from public ways.*

The applicant submitted photographs and architectural drawings as a part of the application in support of § 223.

"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.*

The proposed lot occupancy of 50 percent is equal to the maximum permitted by § 223.3 in the R-2 Zone District.

"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.*

The Office of Planning does not believe that additional treatment is necessary.

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

A semi-detached dwelling is permitted as a matter of right within the R-2 Zone District. The approval of this application will not permit the introduction or expansion of a nonconforming use.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of § 223 and that granting the relief, "*will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps,...*" (§ 3104.1)

**COMPREHENSIVE PLAN**
This proposal will contribute toward achieving the following objective of the Ward 4 Element:

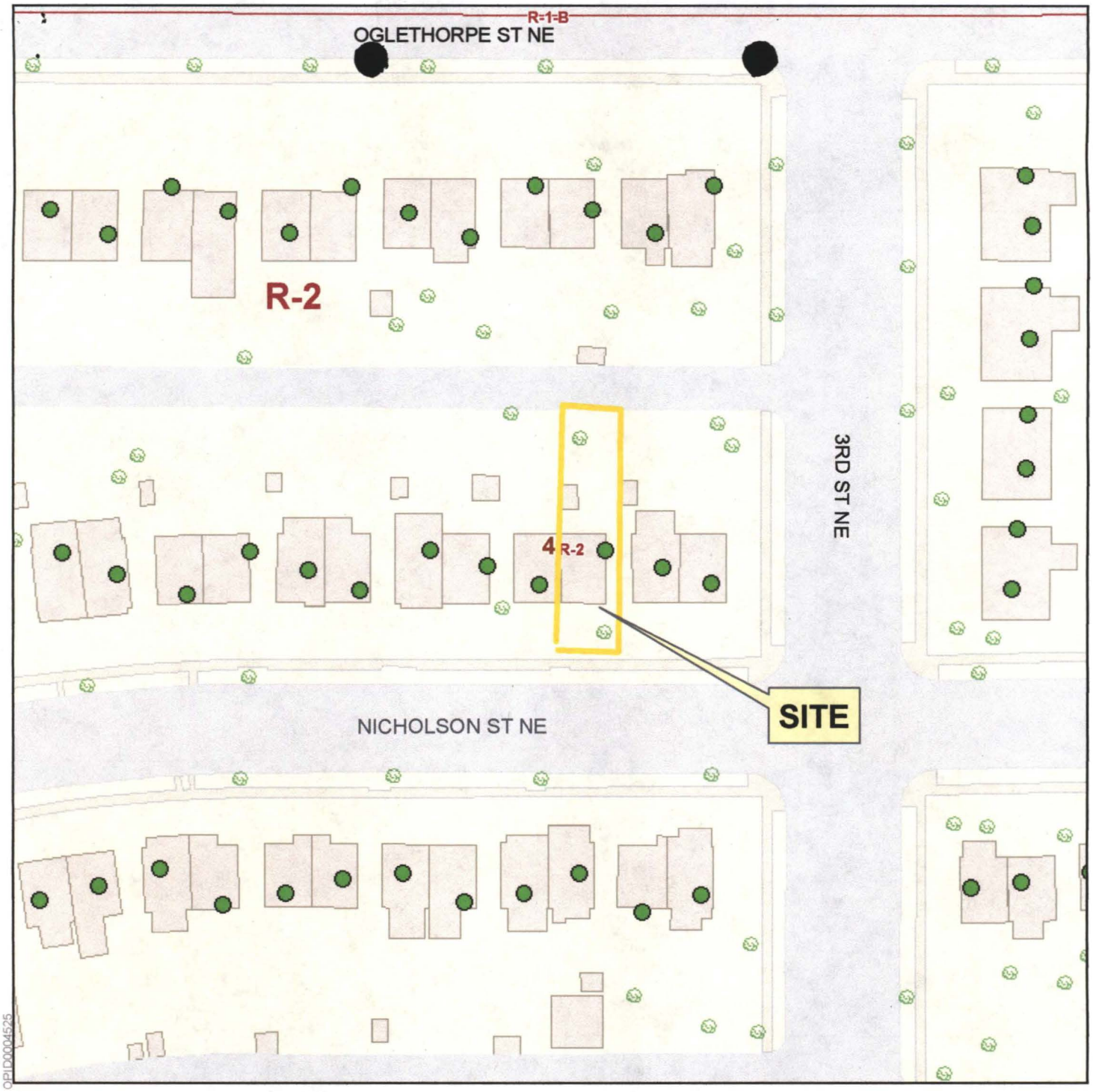
> *"Protect, preserve, maintain and rehabilitate the existing owned and rental housing stock"* (§ 1508.1(b))

**COMMUNITY COMMENTS**
**ANC 4B** has not responded to telephone requests for comments from the Office of Planning.

**RECOMMENDATION**
The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. The Office of Planning concludes that the special exception meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

> The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant.

AA/sjm$_{AICP}$




# BZA APPLICATION NO. 17243
## 246 Nicholson Street, N.E.

N

Feet

0 40 80

● Single-Family Semi-Detached



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

**Office of Planning ~ November 10, 2004**

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