GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: November 30, 2004

SUBJECT: BZA Application 17248 – Gold Addition
3722 McKinley Street, N.W. (Square 1876, Lot 86)

APPLICATION

The application by Scott and Diana Gold requests a special exception review under Section 223 pursuant to 11 DCMR §3104, for an addition to a residence at 3722McKinley Street, N.W., which does not meet the side yard requirement in the R-1-B Zone District.

SUMMARY RECOMMENDATION

The Office of Planning recommends **approval** of the special exception to allow an addition to a non-conforming structure that does not meet the side yard setback.

SITE AND AREA DESCRIPTION

The subject property is located at 3722 McKinley Street, N.W, Square 1876, Lot 86, (Attachment 1). The property is developed with a two-story detached house. The surrounding area is a residential neighborhood consisting of single-family detached houses. The area is zoned R-1-B.

PROJECT DESCRIPTION

The applicant proposes to demolish the rear, one-story portion of the house and replace it with a larger two-story addition to accommodate a larger kitchen on the first floor and new bathroom on the second floor. The proposed addition will not meet the side yard requirements on the west side although it is greater than that provided on the original portion of the house. The east side of the addition has a 10-feet yard and meets the Zoning Regulation requirements.

BZA
Case No. 17248
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17248
EXHIBIT NO. 23

ANALYSIS

Special Exception

Section 223 provides relief based on specific criteria under which additions to one-family dwellings may be permitted within a residential district.

The proposed addition must satisfy the criteria 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 by the Board of Zoning Adjustment under §3104, subject tot the provisions of this section.

The two-story, rear addition is to a permitted single-family residence. The original structure predates the 1958 Zoning Regulations and the west side does not meet the current 8-feet side yard requirement outlined in Section 405.

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 original structure was built prior to 1958 and the west side of the house has a non-conforming side yard of 2.7-feet. A later one-story addition has a west side yard of 8.5-feet. The applicant proposes to demolish the one story structure and replace it with a larger 2-story structure with a west side yard of 3.8-feet.

The adjacent house to the west of the site is larger and taller than the subject house, and even with the addition to the subject house, light and air will not be unduly affected. The addition will extend a few feet past the house to the east but its light and air will not be diminished by the addition. A large tree in the back yard will be retained and continue to separate the houses.

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

The proposed addition will be a small expansion on the footprint of the existing rear structure and the rear façade will not change much in that there will be the same number of window overlooking the adjacent properties. Further, there is a large tree on the property that will help to minimize the visibility of the addition to the east. Therefore, the use and privacy of the neighboring properties will not be compromised by the addition.

(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 subject street frontage.

The addition will not affect the character of houses along McKinley Street, as it will not be visible from McKinley Street. The addition will be visible from the alley to the rear of the property but will be largely shielded by the garage in the rear yard. The scale and pattern of the house will be retained, as the size and height of the building will be similar or smaller than other houses along McKinley Street. Further, the roofline of the two-story addition will not extend past the roofline of the existing house.

> ***(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 drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.***

The applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

The subject lot is long and narrow and the original structure is non-conforming because its west side yard does not meet the current requirements. The west side yard of the new addition is greater than that provided on the original building but is still less than what is required. OP is satisfied that the applicant has met the criteria for special exception relief of Section 223 and granting relief would not adversely affect the use of the neighboring properties.

COMMUNITY COMMENTS

The application was reviewed by ANC-3G on November 8, 2004 and they recommended approval of the special exception request.

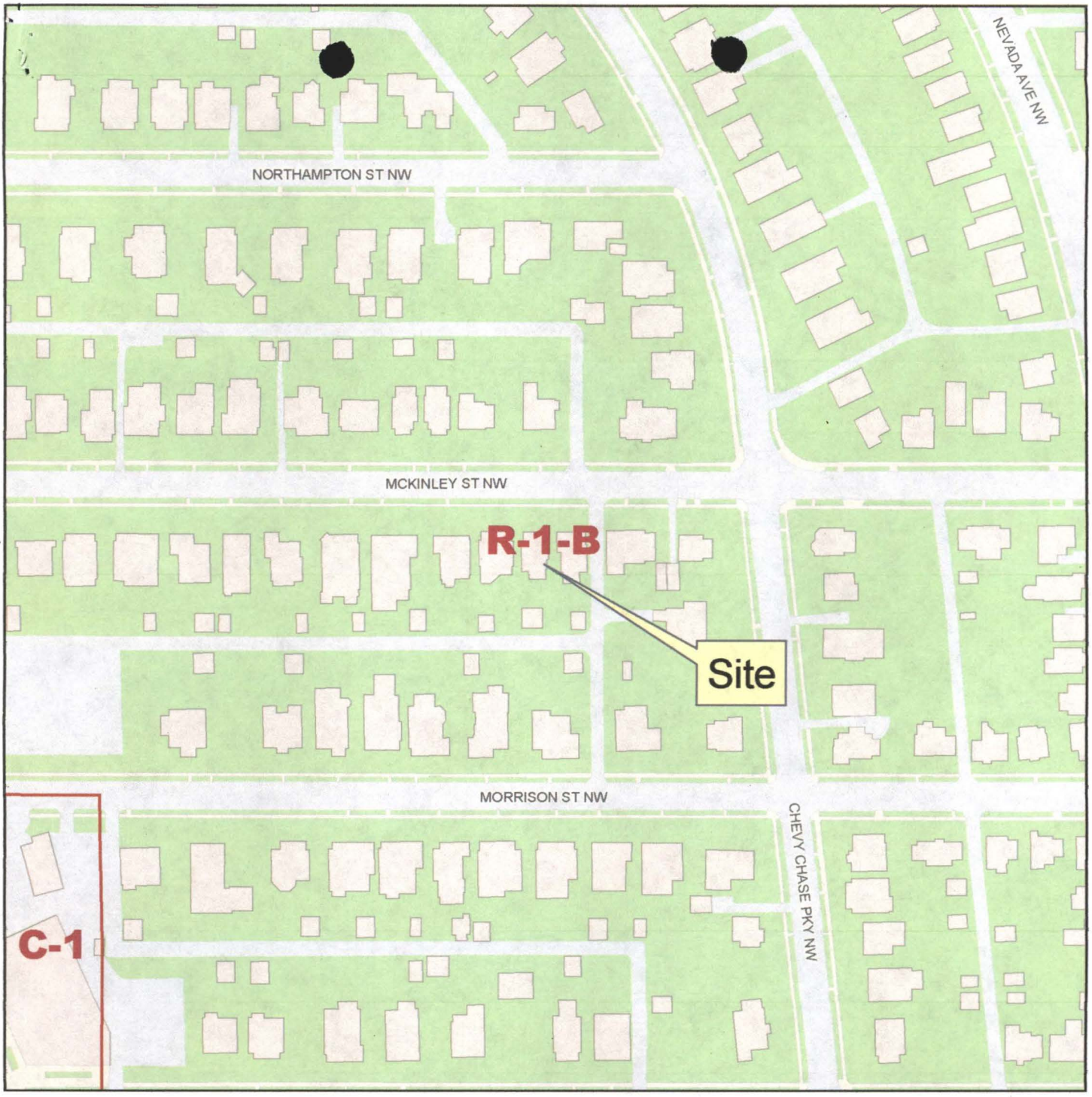
CONCLUSION

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 and Section 223 of the Zoning Regulations, for the granting of a special exception to permit the expansion of a nonconforming structure that does not met the side yard requirements. The request can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations. The Office of Planning recommends **approval** of the special exception by the Board of Zoning Adjustment to allow the proposed addition.

ATT:

1. Zoning and Land Use Map

AA/mbr



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Feet

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Zoning and Land Use Map
BZA Application #17248
3722 McKinley Street, NW



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

Office of Planning ~ November 18, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Attachment 1