GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman (JLS for)
Director

DATE: November 30, 2004

SUBJECT: BZA Application 17258

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APPLICATION
Michael Pfeifer, the Applicant, requests a special exception under Section 223 to construct an addition to the non-conforming dwelling located at 3246 Quesada Street, N.W. (Square 2021 Lot 34) pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of a special exception to allow extension of the nonconforming side yard of 3-foot along the western property boundary, with the condition that architectural plans be placed in the public record showing that the height of the proposed deck addition within the eastern side yard will be 4 feet or less.

SITE AND AREA DESCRIPTION
The subject property is a rectangular corner lot approximately 0.11-acre (5,007 square feet) in size located south of the Quesada Street, N.W. This lot is developed with a detached 2.5-story one-family dwelling constructed circa 1931. Based on the site plan and a foundation plat from the D.C. Surveyor's Office, a building restriction line extends parallel to Quesada Street at distance of 10 feet south of the public right-of-way. The subject dwelling is located 8 feet further south of the building restriction line, a total of 18 feet from the right-of-way. Note that the dwelling front porch extends to the building restriction line. A gated wooden paling fence approximately 7-8 feet tall surrounds a wooden garage, trees and a swimming pool in the rear yard.

Alleys 10 feet and 15 feet wide abut the western (side) and southern (rear) property boundaries, respectively. Surrounding development consists of a variety of 2.5-story residences, some with garages in the rear yards that are accessed from the alley. Exterior building finishes generally combine masonry and wood (plank) siding. The site and surrounding properties are in a R-1-B zone district (please refer to Exhibit 1).

BZA
Case No. 17258
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17258
EXHIBIT NO. 24

APPLICANT'S PROPOSAL

As described in the application and submitted plans, the Applicant wishes to construct a two-story addition to the rear of the dwelling. The addition would expand the kitchen, breakfast area and provide a family room on the ground floor; provide additional sleeping areas and bathrooms of the second floor; and extend the finished attic. A raised deck would extend from the addition into the side yard along the eastern property boundary. The project architect stated that the deck floor would not be higher than 4 feet above grade, consistent with Section 2503.2 of the Zoning Regulations. However, the submitted plans do not include a deck height measurement.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-1-B. Section 201.1 (a) of the Zoning Regulations allows a one-family detached dwelling as a matter of right. The zoning tabulation submitted with this application indicates the side yard setbacks on the property are 11 feet 6 inches from the eastern property line, and 3 feet from the western side property line. Since Section 405.9 requires a minimum side yard of 8 feet, the existing building is nonconforming. The Zoning Regulations provides the following provision for expansion of nonconforming buildings:

"405.8 In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; Provided, that the width of the existing side yard shall not be decreased; and Provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.)."

Side yard setbacks for the proposed addition would be 8 feet from the eastern property line, and approximately 3 feet from the western property line. So, even though this dwelling predates 1958, only the western side yard setback cannot be extended as a matter-of-right. The following zoning provisions are applicable in this case:

"2001.3 Enlargements or additions may be made to the structure; provided, that the following requirements shall be met:

(a) The structure shall conform to percentage of lot occupancy requirements; and
(b) The addition or enlargement itself shall:
    (1) Conform to use and structure requirements; and
    (2) Neither increase or extend any existing, conforming aspect of the structure; nor
    (3) Create any new nonconformity of structure and addition combined."

The zoning tabulation indicates that the addition would increase the percentage of lot occupancy to 28%, less than the 40% allowed under Section 403.2. As a result, this application only requests zoning relief to increase a nonconformity by extending the western side yard setback of approximately 3 feet.

ANALYSIS

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions 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." The referenced special exception would allow extension of the current nonconforming western side yard setback subject to the provisions of Section 223.

Compliance with Section 223
Requirements under this section include the following:

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 property generally has a north-south orientation, so shadows cast by the proposed addition toward the western property line would fall on the adjacent alley and heavily wooded rear yards of residences beyond the alley. Based on these circumstances, this proposal would not affect the light and air available to neighboring properties.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;* Visibility from the ground and upper floors of the addition would not be substantially different from visibility from the existing dwelling. This proposal would not compromise the privacy of neighboring yards.

(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 street frontage;* ... Based on the submitted elevations, the masonry and plank siding would look similar to surrounding construction. The addition should not visually intrude on the character, scale and pattern of houses along Quesada Street or the abutting alley.

(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.* Sufficient graphical documentation was submitted for staff review and analysis.

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.* This zoning relief is not required.

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.* This proposal does not require any special treatment.

OP concludes that the application meets the requirements of Section 223.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this area for Low Density residential development characterized by single-family detached and semi-detached houses as predominant uses.

COMMUNITY COMMENTS
Advisory Neighborhood Commission (ANC) 2C recommended approval of this request during a regularly scheduled meeting on November 22, 2004.

RECOMMENDATION
The Office of Planning recommends approval of a special exception to allow continuation of the existing nonconforming side yard along the western property boundary. However, OP recommends adding architectural to the public record showing the deck height to be equal to or less than 4 feet within the eastern side yard.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning

Exhibit 1



BZA Application No. 17258
3246 Quesada Street, N.W.

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

Office of Planning ~ December 13, 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. Oblique imagery ©2003 Pictometry International

Legend

- Street Centerlines
- Property Squares
- Zoning Districts
- Zoning Districts

* Estimated property lines based on D.C. Surveyor plat