GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: January 4, 2005

SUBJECT: BZA Application 17272

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APPLICATION
Clarence Kettler, the Applicant, requests approval of a special exception under Section 223.1 to allow construction of a two-level rear addition to the dwelling located at 3218 Woodley Road, N.W. (Square 2098 Lot 39) pursuant to Section 3104.1 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 reduce the required rear yard setback from 25 to 23 feet, and reduce the required side yard setback along the western property boundary from 8 to 4 feet. The recommendation is subject to the condition that a site plan be added to the public record verifying that sufficient driveway will remain after the addition to accommodate a least one 9 x 19 foot parking space outside the private right-of-way.

SITE AND AREA DESCRIPTION
According to District land records, the subject property on the south side of Woodley Road, N.W., is approximately 0.12 acre (5,064 square feet) in size. This irregularly shaped property is developed with a 2.5-story one-family attached (row) dwelling (circa 1925) of wood frame construction with a basement, and patio in the rear yard.

Abutting properties to the east and west (lots 806and 38, respectively) are developed with semi-attached single-family dwellings sharing common firewalls with the subject property. These three buildings are of similar design and are uniformly set back 20 feet in the front yard. The subject property and lot 38 have steep driveways in the rear yards that mirror each other along the western property boundary. The basement garage on the subject property has been converted for residential use, and a tall wooden picket fence surrounds the balance of the rear yard. The rest of the square is developed mostly with one-family attached and semi-detached dwellings of similar construction. The entire square is located in a Residential (R-1-B) zone district (refer to Exhibit 1).

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Board of Zoning Adjustment
District of Columbia
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Further west and abutting lot 38 is an alley spur 15 feet wide that extends southwest then northeast from Woodley Road. This public alley previously extended southeast along the rear boundaries of properties in the eastern portion of the square before the District Commission approval in 1922of a petition to relocate the public alley. Although these properties now share common rear property lines, a continuous area of private right-of-way was reserved along these boundaries to maintain access to the redirected public alley. These right-of-way areas extend 7.5 feet into each lot and today form a paved drive aisle 15 feet wide on each abutting lot pair.

APPLICANT'S PROPOSAL

The Applicant proposes to construct a 2-story addition within the rear driveway to provide an exterior storage room at the basement level and add a "morning room" to the ground floor level. Based on the Statement in Support of the Application submitted by the Applicant, the proposed addition would setback from the western side property line 1 foot, and from the rear property line from approximately 29 feet in the southwest corner to just over 18 feet at the eastern property line (due to the angled rear boundary). The Statement indicates the average depth would be 23.57 feet.

The computation sheet also indicates the proposed construction would increase the percentage of lot occupancy from approximately 27% to 34% (40% is the maximum allowed in R-1-B). No other exterior changes are proposed under this application.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-1-B. Section 201.1 of the Zoning Regulations does not list row dwellings as a land use allowed in this zone district. Row dwellings are first allowed in R-3 zone districts. Section 405.9 requires a minimum side yard setback of 8 feet, although the existing dwelling and proposed addition have side yard setbacks of 0-1 foot. Zoning Regulations provide the following for expanding such 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.)."

Although this dwelling was constructed before 1958, the proposed non-conforming side yard setback is not allowed as a matter-of-right. The following regulations also apply:

"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, nonconforming aspect of the structure; nor
    (3) Create any new nonconformity of structure and addition combined."

The Applicant therefore submitted the instant request for special exception relief under Section 223, from the provisions of Section 2001.3, to allow a nonconforming side yard setback and reduce the (average) rear yard setback to 23.57 feet (OP rounded this distance down to 23 feet for the sake of clarity). Zoning regulations include the following provisions regarding expansion of such buildings:

"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
(c) 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."

Note also that the minimum parking requirement for a single family dwelling in a R-1-B zone district under Section 2101.1 is 1 parking space per dwelling, and that Section 2115.1 requires a minimum 9 x 19-foot parking space.

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 continuation of a nonconforming (western) side yard setback and reduce the average rear yard setback to 23 feet 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;* Shadows cast by the proposed addition would primarily fall on the driveway of abutting lot 38. Based on this circumstance, OP does not think this addition would impact air and light to the adjacent dwellings.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; The proposed addition would have no window or door openings in the western wall, but would have windows in the southern and eastern walls. Views to the east would be screened by the existing wooden picket fence, and the dwellings to

the south (beyond the private right-of-way) are at a higher elevation than the subject property. Therefore, staff thinks the privacy of neighboring yards would not substantially change.

(d) *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;* ... The proposed addition does not appear inconsistent with the character, scale or pattern of other residential construction in the area.

(e) *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.* Graphical documentation submitted for staff review and analysis was generally sufficient.

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 additional relief is not required.

223.3 *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 has two concerns about this proposal. The first is that the proposed 1-foot setback from the western property boundary is insufficient to erect a ladder on the subject property in order to perform any future maintenance that may be required above the basement floor level of the addition.

In addition, no documentation provided indicates that the remaining driveway would be sufficient to comfortably accommodate at least one vehicle parked perpendicular to the dwelling. This is the minimum required under the Zoning Regulations. Parallel parking does not appear to be an option because of the steep slope, so OP is concerned that a parked vehicle not impact the utility of the existing private right-of-way since there is no other option to access the rear yards of properties to the south and east.

Therefore, staff strongly recommends that at least a 4-foot setback be maintained between the basement and ground floors of the addition and the western property line, and that documentation showing that required parking could be provided on-site be placed in the public record before final action.

With the referenced conditions, OP concludes that the application meets the requirements of Section 223.

Compliance with Section 3104.1
Based on the findings of Section 223, granting the requested relief would be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will not tend to affect adversely the use of the neighboring properties.

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

AGENCY COMMENTS
This proposal was forwarded to the D.C. Department of Transportation for review and comment. No comments have been received to date.

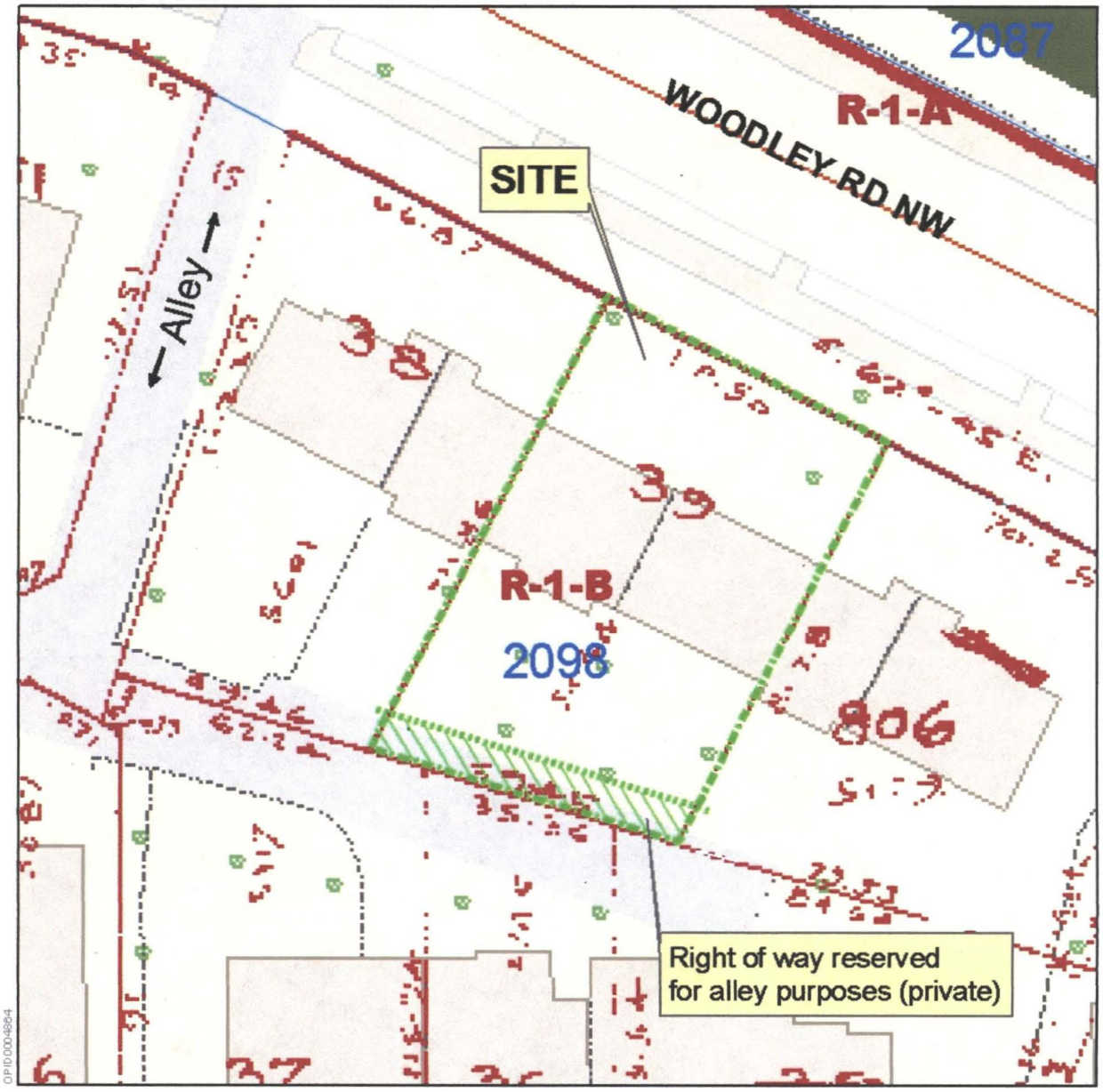
COMMUNITY COMMENTS
On December 20, 2004, Advisory Neighborhood Commission (ANC) 3C voted unanimously to recommend BZA approval of this application.

RECOMMENDATION
The Office of Planning recommends approval of a special exception to reduce the required rear yard setback from 25 to 23 feet, and reduce the required side yard setback along the western property boundary from 8 to 4 feet. The recommendation is subject to the condition that a site plan be added to the public record verifying that sufficient driveway will remain after the addition (excluding the private right-of-way) to accommodate a least one 9 x 19 foot parking space.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning

Exhibit 1



BZA Application No. 17272
3218 Woodley Road, N.W.

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

Office of Planning ~ January 3, 2005

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.

LEGEND

- Property Squares
- Street Centerlines
- Zoning Districts
- Buildings
- Curbs
- Alleys and Parking
- Sidewalks