GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17349
EXHIBIT NO. 41

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Director
Office of Planning

DATE: October 24, 2005

SUBJECT: Supplemental Report - BZA Application 17349 – Taylor Addition
6919 6th Street, N.W. (Square 3191, Lot 18 and 811)

APPLICATION

The application by Michael Taylor requests a special exception under Section 223 pursuant to 11 DCMR §3104, to allow an addition to a residence at 6191 6th Street, N.W., which does not meet the R-1-B District's lot occupancy and side yard requirements.

The Office of Planning's (OP) July 5, 2005 report requested the applicant provide an accurate calculation of the proposed lot occupancy and a topographic map to demonstrate the change in elevation of the subject site relative to adjacent properties. The applicant has submitted the topographic map but there are still inconsistencies in the calculation of the lot occupancy.

As stated in the original report. the subject property is within the Takoma Park Historic District. At a public hearing on September 23, 2004 the Historic Preservation Review Board (HPRB) did not approve the addition or the requested demolition of the garage. HPRB requested that the applicant reconsider the design of the addition and provide a survey showing the topography of the site as well as that of the adjacent properties rear yards. To date, further action has not been taken by HPRB.

SUMMARY RECOMMENDATION

It is the Office of Planning's conclusion that the applicant has not satisfactorily met the criteria for special exception relief of Section 223. While the proposed addition is within the allowable lot occupancy that can be granted by Section 223, the architectural and design elements that could have been incorporated are not present. Therefore, OP believes that the addition together with the original building seems out of character and scale of neighborhood homes. Further, the addition will compromise the privacy of adjacent homes and therefore will **not** be in harmony with the general purpose and intent of the Zoning Regulations and **will** tend to affect adversely, the use of neighboring property. OP therefore recommends that the application be **denied.**

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ANALYSIS

The subject site is composed of two lots; Lot 19 which fronts on 6th Street and Lot 811 which is to the rear of Lot 19 and abuts the rear yards of adjacent lots on the remaining three sides. The applicant has stated that they have submitted an application to the Surveyors Office to have the lots combined.

Lot Occupancy

The proposal is for an addition to the rear of the existing house and garage. A combination of the existing house, the addition, and the garage would yield a lot occupancy beyond the 40% allowed in the R-1-B district. The latest submission to the Office of Planning shows the addition of a deck to the rear of the house. The dimensions of the existing house and the addition shown on the Plans submitted to OP are not consistent with the written information. Therefore, OP's calculations are based on dimensions taken from both and may be slightly inaccurate. OP has requested the applicant provide accurate information.

Area of existing house:	72 x 28.1	= 2,028.82 sq. ft.
Area of front porch:	13 x 7.0	= 91.00 sq. ft.
Area of garage:	23x 11.9	= 273.70 sq. ft.
Proposed Deck	4x 28.1	= 112.00 sq. ft.
TOTAL		**= 2,505.52 sq. ft.**

The area of the lot is 5,725 sq. ft., therefore the lot occupancy is equal to **43.76%**

Side Yard

The existing one-story garage is approximately a foot from the property line and does not meet the side yard requirement of eight feet. The applicant proposed to demolish the garage but the Historic Preservation Staff and HPRB recommended that it be retained to buffer the addition for adjacent properties. Therefore, a waiver from the requirement is necessary as provided under Section 223.

Special Exception pursuant to § 223– Additions to One-Family Dwellings or Flats
Section 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 single-family detached house in a zone district in which the use is permitted, the R-1-B Zone District. The proposed addition is not in compliance with §403, Lot Occupancy and §405 Side Yard.

> *"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 addition will not adversely affect the light and air to adjacent properties. The garage that currently exists on the side of the house will not be enlarged and the houses on abutting properties are located away from the garage so that it does not affect their light. The house is located in an east-west direction and therefore will not cast shadows on adjacent properties.

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

The rear yard provided will be in excess of the minimum required within the R-1-B Zone District. The building addition will be visible from the existing houses to the north, south, and east. The view from the north will be partially obscured by the existing garage, but the addition towers over and extends beyond the garage.

From a visit to the subject property it was observed that the grade is higher along 6th Street and dramatically falls towards the rear of the property. A similar grade change is not present on the adjacent properties. Due to the difference in elevations, the proposed addition towers over the rear and side yards of adjacent properties and appears as three (3) stories. With the addition, the south elevation will now have five additional windows that will all be visible to and overlook the adjacent house. There are also six lower windows that will be screened by an existing wooden fence. To the rear of the property there are three (3) large glass doors that will overlook the back yards of adjacent properties. Although there are trees in the rear yards of the adjacent properties the addition is high enough to overlook them and give clear views onto adjacent properties. Therefore, the privacy of use and enjoyment of neighboring properties will be unduly 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 frontage; and

The proposed addition will be not being visible from 6th Street. However, the portion of the addition that towers over and extends beyond the garage will be visible from Cedar Street. Although there are trees on the adjacent properties that may hide the addition it will be clearly visible during the fall and winter months when the trees loose their leaves. At this time the addition will be more visible and imposing.

(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 their requests.

"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 43.7 percent is less than the maximum 50 percent permitted by §223.3 for the R-1-B 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.*

Unlike additions to adjacent houses that have variety in architectural detail and variety in heights, the proposed addition can be compared to a rectangular box attached to the existing house. HPRB has asked that the addition be redesigned with architectural detail and variety in heights that are consistent with other houses in the neighborhood. OP supports the recommendation of HPRB that the applicant reconsider the design of the building.

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

A single family detached house is permitted as a matter of right within the R-1-B Zone District. The proposed application will not permit the introduction or expansion of a nonconforming use.

RECOMMENDATION

It is the Office of Planning's conclusion that the applicant has not satisfactorily met the criteria for special exception relief of Section 223. While the proposed addition is within the allowable lot occupancy that can be granted by Section 223, the architectural and design elements that could have been incorporated are not present. Therefore, OP believes that the addition together with the original building seems out of character and scale of neighborhood homes. Further, the addition will compromise the privacy of adjacent homes and therefore will **not** be in harmony with the general purpose and intent of the Zoning Regulations and **will** tend to affect adversely, the use of neighboring property. OP therefore recommends that the application be **denied.**

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