GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

D.C. OFFICE OF ZONING
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TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Director
Office of Planning

DATE: October 18, 2005

SUBJECT: BZA Application 17372 – Lane Addition
708 Shepherd Road, N.W. (Square 31541, Lot 817)

APPLICATION

The application by Leatrice C. Lane requests approval of a special exception to allow a two-story addition to a residence at 708 Shepherd Road, N.W. (Square 3154, Lot817), pursuant to 11 DCMR §3104 and subject to the standards outlined in under 11 DCMR Section 223.

BACKGROUND

The applicant purchased the subject property in 1997 with the intent of providing a home for her family that consist of two siblings. The lot was improved at the time of purchase with a two-story frame dwelling constructed in 1909. The structure is small and the applicant requires more living space as the family space needs increase. Further, one member of the family was the victim of a criminal assault that resulted in physical disability. The applicant desires to add special accommodations for the member with special needs, by converting what is now the living room into a bedroom/bath room with handicapped access from the rear of the structure. The new addition will be ADA accessible.

PROPOSAL

The applicant is proposing a 2-story addition to the rear of the existing house. The west side of the addition will align with the existing house. The east side of the addition will be slightly set back. The addition will measure 20 feet in depth and 19.5 feet in width and will add 390 square feet to the existing structure.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17372
EXHIBIT NO. 22

SUMMARY RECOMMENDATION

The Office of Planning recommends **approval** of this application.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17372
EXHIBIT NO. 22

SITE AND AREA DESCRIPTION

The subject property is on an interior lot located on the south side of Shepherd Road, which runs diagonally between Madison Street and 7th Street. There is an east west 15-foot alley parallel to the rear property line of the subject site. The property is within the R-4 District.

The neighborhood is predominantly residential, consisting of row dwellings and mid-rise apartment buildings. There are also some single-family detached dwellings in the neighborhood. There is a two-story multi-family apartment building adjacent to the west of the subject site and the rear of a three-story multi-family structure across Shepherd Road to the northeast. There is a single-family detached dwelling abutting the subject dwelling to the east. The Georgia Avenue commercial corridor is within two blocks west of the site and the Kennedy Street retail area is within two blocks east of the site.

ZONING REQUIREMENTS

The subject site is in the R-4 Zoned District and the requested addition is allowed by special exception under Section 223.

ANALYSIS

The applicant is requesting relief from the side yard requirements of Section 405.1 of the Zoning Regulations, in order to construct the requested addition. The property was developed in 1909 before the adoption of the current zoning regulations and does not meet all of the current zone requirements. The east and west side yards are 2.5 and 4-feet in width, respectively. The west side yard narrows to approximately 2 feet at the rear of the lot.

Side Yard

In the R-4 District, a one-family detached dwelling shall be subject to the side yard requirements of an R-1 District, which if a side yard is provided, must be 8 feet. Both of the side yards on the subject lot are nonconforming. The applicant will provide the required 8-foot side yard on the west side of the new addition. However, due to the need to satisfy ADA accessibility requirements and the desire to increase interior space in the structure, the east side yard will continue to be nonconforming. Therefore, the applicant is requesting relief from the side yard requirements.

ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)
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 sections 401, 403, 404,405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Section 3104, subject to the provisions of this section. 223.1

223.2 ***The addition shall not have a substantial adverse affect on the use or enjoyment of any abutting dwelling or property, in particular:***

(a) The light and air available to neighboring properties shall not be unduly affected.

The proposed 2-story addition will not change the light and airflow to the neighboring property any more than is currently the case. Structures on the 700 block of Shepherd Road are orientated north-south, while light flows east-west. Because the subject structure is on a diagonal block, the rear of the structure extends beyond the depth of the adjacent apartment building on the west side. Both structures receive adequate light flow, especially from noon to mid-afternoon. The nearness of the two buildings restricts the amount of light that flows between the two structures, but not to the extent of causing adverse affect on either property.

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

The nearest property on the east side of the subject property is a single-family detached dwelling at 5616 7th Street, which is at the southwest intersection of Shepherd Road and 7th Street. The rear of that dwelling is more than 50 feet from the proposed addition. Therefore, the proposed addition will not compromise the use and enjoyment of the property on the east.

There is a 2-story apartment building adjacent to the west side of the subject structure, but there are no windows on the side of the apartment building to compromise the privacy of use and enjoyment of either structure. Additionally, the rear of the subject dwelling already extends beyond the rear depth of the apartment building. The new addition will extend even further and will not offer a direct view into the neighboring structure.

(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; and***

The proposed addition will be partially visible from Shepherd Road, although there are mature trees on the abutting lot that will limit view of the addition. The addition will be visible from the alley but it will not be intrusive upon other dwellings on the block. Because of the block's orientation, the new addition will be deeper on the lot than the apartment building on the west. The closest view of the addition will be from the rear of properties on Longfellow Street across a 15-foot alley. Those properties have deep rear yards and the structures are more than 50 feet from the proposed addition.

***(d) In* demonstrating compliance with paragraphs (a) (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevations and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.**

The applicant provided OP with plans, photographs and a surveyor plat sufficient to demonstrate compliance with the above referenced subsections.

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. (223.3)

The lot occupancy permitted in the R-4 District for all structures, other than row dwellings, flats, churches or public school is 40%. The proposed two-story addition to the subject dwelling will add 390 square feet to the existing dwelling that presently contains 611.76 square feet. A combination of

the lot occupancy of the existing house and the addition will be 1001.76 square feet and will consume of 32.8%, which is below the permitted lot occupancy.

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. (223.4)

The Office of Planning does not recommend the Board impose additional special treatment on this application.

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

The proposed rear addition will not introduce or expand a nonconforming use.

3104.1 SPECIAL EXCEPTION

The requested special will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with 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. (§223)

Section 223 is intended to provide residential property that qualifies the opportunity to make modifications without complications. Most of the structures in need of such modifications are older and constructed before the enactment of the current Zoning Regulations. If the Board approves the application, the proposed addition will not change the residential use of the structure and the addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The requested special exception will not tent to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

The subject property is in the R-4 Zone District and additions are permitted under §3104.1 and Subsection 223, if the Board determines the addition will not adversely affect neighboring properties and will be in accordance with the Zoning Regulations and Zoning Maps. There will be adequate space between the addition and most other neighboring properties, and the nearest property (an apartment building) the proposed two-story addition will allow the applicant and family more livable space and provide easy access to a portion of the first floor for a family member with special needs.

COMMUNITY COMMENTS

The application has been presented informally to members of Advisory Neighborhood Commission 4A02. The ANC did not object to the proposed addition. The application will be presented at the regularly scheduled meeting in September.
The applicant provided 2 letters of support for the proposed addition from neighboring property owners.

RECOMMENDATION

The Office of Planning finds that the application satisfactorily meets all the requirements specified in Section 3104.1, and 223 and that the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to adversely affect the use of neighboring property.

EM/jm



Aerial Oblique Photos
BZA Application # 17372

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

Office of Planning ~ August 29, 2005

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OP:ID0006978

Zoning and Land Use Map
BZA 17372
708 Shepherd ST, NW

Land Use Legend

- Non-conforming SF Use
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Resid. Mixed Use
- Multi-family
- Multi-Resid. Garage
- Hotel - Small
- Hotel - Large
- Club
- Resid. Transient
- Store
- Restaurant
- Office
- Vehicle Service Station
- Parking - Special Purpose
- Warehouse
- Religious
- Educational
- Embassy or Chancery
- Museum, Library, Gallery
- Recreational
- Health Care Facility
- Memorial
- Special Purpose
- Vacant
- Property Squares
- Property Squares
- Major Roads
- Zoning Districts
- Buildings w/out Firewalls
- Zoning Districts

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Feet

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Attachment 1