BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Application of Leatrice C. Lane

BZA Application No.
Public Hearing
ANC 4B05

STATEMENT OF THE APPLICANT

I.

Nature of Relief Sought

This is an application pursuant to Section 3104.1 of the Zoning Regulations for special exception relief under Section 223.1 to permit construction of an addition to an existing structure that does not meet the side yard requirements for a detached dwelling in the R-4 zone at premises known as 708 Shepherd Place NW the (Subject Property). No variance relief is requested.

II.

Jurisdiction

The Board has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations of the District of Columbia.

III.

Background

A. Project History and Basis for Request.

The applicant, Ms. Leatrice Lane, purchased the subject property on November 5, 1997 to provide a home for herself and her two children. The house is a two-story frame structure with a living room, dining room and kitchen on the first floor. There are three small bedrooms and a single bathroom on the second floor. The family occupied the property for six years without incident.

Two years ago Ms. Lane's son, Edgar, became a victim of a criminal assault that left him without the use of his arms and legs (Exhibit A). Because he can no longer negotiate the stairs, on his own or with assistance, he has been left without access to his bedroom and the bathroom facilities that are located on the second floor.

Since the incident, Edgar must perform all of the activities of daily life, e.g. sleeping, bathing, recreation, etc., in the living room on the first floor. In addition loosing his privacy and

BZA
Case No. 17372
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17372
EXHIBIT NO. 4

access to appropriate sanitation facilities, the family as a whole has lost use of the only community space in the home.

As part of a program to make homes more accommodating to persons with disabilities, the DC Department of Housing and Community Development through their Single-Family Home Rehabilitation Program has granted Ms. Lane financial assistance to provide ADA accessible space on the first floor to provide for the specific needs of her son.

The second floor of the addition will allow expansion and modernization of the bedroom and bathroom facilities used by the other members of the family. The basis for this request is to facilitate the appropriate addition and renovation that will allow the Lane family to take advantage of this grant and to regain reasonable use and enjoyment of their home.

B. Description of Subject Property

The subject property is known as lot 817 in square 3154 and carries the address 708 Shepherd Road NW. It is an irregular shaped interior lot with street frontage on Shepherd Road NW. The lot abuts an alley in the rear that runs parallel to the rear property line of the lot. The property is located within the R-4 Zoning District.

The lot is improved with a two-story frame dwelling with about 1220 sq. ft. of living space. There is no basement. As is the case for many older structures the building in currently nonconforming. The building does not currently meet the zoning requirements for lot width, lot area or side yards for a single-family detached dwelling in the R-4 zone. Because it was built before the effective date of current regulations, it is considered legal nonconforming.

C. Description of Surrounding Area

The subject property is located in Ward 4 in the Petworth neighborhood of NW Washington DC. The area is primarily residential with a mixture of all types of residential construction. Adjacent to the West is a two-story six-unit apartment building. To the East the lot abuts the rear yard of a single family dwelling that fronts on 7th Street NW (5616 7th Street NW). Across Shepherd Road is the rear of a large three-story multi-family apartment building that fronts on Madison Street NW. The Georgia Avenue commercial corridor is two blocks to the west and there are additional retail and service uses along Kennedy Street NW, two blocks to the south.

D. Current Use of the Site

The current and proposed use of the property is Single-family dwelling.

E. Description of the Proposal

The applicant proposes to add a two-story addition to the rear of the property. The first floor will be ADA accessible to provide appropriate facilities for Edgar. The second floor will serve to enlarge the small bedrooms and expand the living space on the second floor.

Both side yards of the existing building are nonconforming. The east side yard is only 2.5 ft. in width. The west side yard is 4 ft. at the front, but narrows at the rear to about two feet. The addition will provide the appropriate 8 ft. side yard on the west side of the lot, but due to the narrow width of the lot, the proposal is to extend the nonconforming 2.5 ft. side yard on the east face to allow the additional interior space required to meet the ADA requirements while providing appropriate access to the second level.

This approach was chosen to minimize the potential impact on the family and adjacent properties. The addition will extend past the rear of the adjacent apartment building on the east side. The 8 ft. setback will allow light and ventilation to the subject property while minimizing the potential impact on the adjacent apartment building.

The east side of the property abuts the rear yards of the two buildings on 7th Street NW (5616 and 5614 7th Street NW). Both of the 7th street properties have extended rear yards well over the required 20 ft. Extending the nonconformity on this side will allow enough space to accommodate the accessibility features while having no more than a visual impact on the neighboring properties.

F. Evaluation of Potential Impact

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

The East side yard of the subject property faces the rear yard of the neighboring property (5616 7th Street NW). Even without the conforming side yard, at least 50 ft. of open area exists between the addition and the adjacent house. The addition should not have any impact on the light and air currently enjoyed by the owner. The owner has provided a letter in support of the proposal (Exhibit B).

West of the property is a two-story six-unit apartment building. Although the side yard of both buildings is nonconforming (the adjacent building has no side yard), there are no windows in the adjacent wall of the apartment building. The apartment building has screened porches at the rear; however, the existing house at 708 Shepherd Street NW already extends a few feet beyond the porches. As the sun rises from east to west there will be no new impact created by the addition.

The addition will increase the existing side yard on the west side, thereby providing for additional light and air. The owners of the apartment building have provided a letter in support of the proposal (Exhibit C)

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

The windows in the addition will be well beyond the rear of the adjacent apartment building. Privacy will not be compromised. As noted earlier, there is a great distance between the subject property and the rear of the two buildings to the east. Privacy of use and enjoyment will not be affected.

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 cannot be seen from Shepherd Road NW. It can be seen from the alley and it extends rearward of the adjacent apartment building; however, there are three large apartment buildings east of the property that extend at least as far back as the proposed addition. The addition will be consistent with the character, scale and pattern of buildings along the subject street frontage.

IV

Points in Support of Application

The applicant offers the following exhibits in support of the requested relief:

Exhibit A: Washington Post Articles about shooting incident
Exhibit B: Letter of Support from owner of 5616 7th Street NW
Exhibit C: Letter of Support from owners of 710-12 Shepherd Road NW

The Application Complies with the Provisions of 11DCMR Section 223.1 and Other Applicable Provisions of the Zoning Regulations of the District of Columbia

A special exception is a use that is pre-deemed compatible with other uses in the same zoning district. The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the Applicant has complied with the enumerated requirements for special exception relief. If the Applicant meets its burden, the Board ordinarily must grant the application.

EXHIBIT B

1/21/05

Dear Lea,

Based on your assurances of January 19, 2005, that the construction of an addition to your home at 708 Shepherd Rd NW, will not require any need to use, enter, or affect my property, I hereby state I have no objection or reservations to your applying for building permits for your addition.

Sincerely,

Gary Palmquist
owner and Resident at
5616 7TH ST NW
Washington, D.C. 20011

EXHIBIT C

To Whom It May Concern:

I/We the owner(s) of 710-712 Shepherd Road Northwest, Washington, DC 20011 DO/~~DO NOT~~ grant our/my support to the owner of 708 Shepherd Road Northwest, Washington, DC 20011, Leatrice C. Lane, in adding a room addition to her property.

(Name) Nathaniel C Lane (date) 4/11/05

(Name) Linda M. Lane (date) 4/9/05

(Name)_____ (date)_____