

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Megan C. Rappolt, AICP, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: February 16, 2016

SUBJECT: BZA Case 19204 - request for special exception relief under § 223 to construct an addition and a deck to an existing one-family dwelling located at 3620 Kanawha Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to § 223:

- § 403.1 Lot Occupancy (31% existing, 40% maximum, 41% proposed); and
- § 404, Rear Yard (14' existing per BZA #14559, 8'-8" proposed).

II. LOCATION AND SITE DESCRIPTION:

Address:	3620 Kanawha Street NW (the "Property")
Legal Description:	Square 1990, Lot 80
Ward/ANC:	3/3G
Lot Characteristics:	The rectangular-shaped Property is 4,125 sf and is 50 ft. wide along both the Kanawha Street frontage to the north and the 15'-wide public alley to the south. The Property is 82.5' in depth.
Zoning:	R-1-B, which permits one-family detached dwellings.
Existing Development:	One-family detached dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	One-family detached dwellings.
Surrounding Neighborhood Character:	Primarily one-family detached dwellings. Apartment and some commercial uses are located nearby to the west along Connecticut Ave. NW.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Kevin Mulshine and Laura Kumin
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Proposal:	The request is for the replacement of an existing deck with a larger, one-story screened-in porch addition of approximately 240 sf and a small deck.
Relief Sought:	§223 - Additions to a One-Family Dwelling or Flats

V. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40' max.	25 ft.	25 ft.	None required
Lot Width (ft.) § 401	50' min.	17.23 ft.	17.23 ft.	None required
Lot Area (sq.ft.) § 401	5,000 sf	1,641 sq.ft.	1,641 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403.2	40% max.	31%.	41%	Relief required
Rear Yard (ft.) § 404	25' min.	14' per BZA #14559 (see below Background)	Approx. 8'-8"	Relief required
Side Yard (ft.) § 405 and § 405.8	8' min or 5' min. if 5' currently and the building existed before 1958	5' (east), 6' (west)	5'-10" (east) extended 15'-11" the length of the proposed screened-in porch & deck	None required per § 405.8

VI. BACKGROUND

As background, in 1987 per Application #14559, the Applicant was granted a variance from the rear yard requirements for a one-story addition which is noted as a breakfast room on the survey plat enclosed in the current request #19204 (Exhibit 3). The order associated with #14559 states that there was an existing wooden deck extending into the rear yard such that a 14' rear yard existed. Per #14559, the Applicant requested BZA relief to facilitate construction of a trellis above the existing deck and for the one-story addition/breakfast room resulting in 14' rear yard instead of the required 25'. The BZA unanimously approved the Applicant's request per #14559.

VII. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does*

¹ Information provided by applicant.

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.

Single-family detached dwellings are a permitted use in this zone. Based on a September 30, 2015 letter from DCRA citing the required relief, the Applicant requests special exception relief under § 223 from the requirements of § 403.2 Lot Occupancy and § 404.1 Rear Yards. OP notes it appears rear yard relief to allow for a rear yard of approximately 8'-8" is necessary per the Applicant's drawings (Exhibit 8) and the DC Surveyor's Plat submitted (Exhibit 3), and notes the September 30, 2015 letter from DCRA states relief is necessary to allow for a 13' rear yard (Exhibit 10, page 2).

223.2 *The addition or accessory structure shall not have a substantially adverse effect 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 light and air available to neighboring properties would likely not be unduly affected by the one-story, 240 sf screened-in porch and small deck. The screened-in porch would be 10' in height from the ground level (which is elevated), and would allow for a side yard that meets the regulations. There are tall, mature trees in and around the Applicant's property that shades adjacent properties, so the screened-in porch and deck should not cause undue additional loss of light. The addition will be visible from properties to the south, across the 15' alley; however, the horizontal separation of ~30' should prevent light and air impacts on those properties located across the alley from the Applicant's property.

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

The proposed screened-in porch and small deck likely will not compromise the privacy of use and enjoyment of neighboring properties because the space will be enclosed. Currently, the deck is not enclosed and could impact the privacy of adjacent neighbors more than the proposed enclosed space.

(c) The addition or accessory structure, 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 screened-in porch addition with the original building likely will not substantially visually intrude upon the character, scale and pattern of houses along Kanawha Street and the 15' public alley. The screened-in porch will be minimally visible from Kanawha Street. It will be visible from the 15' public alley, however the design and materials appear to complement the existing single-family home and will blend in with the character and scale of the area, since it is one-story and of a relatively modest size of 240 sf.

(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 or accessory structure to adjacent buildings and views from public ways.

The Applicant has provided graphical representations, including a site plan, building plans and elevations, and photographs to demonstrate the relationship of the proposed addition to adjacent buildings and views from public ways.

223.3 The lot occupancy of all new and existing structures on the lot 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 is 41% percent, which is permitted as a Special Exception in the R-1-B District per §223.

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.

OP does not recommend special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The existing use is a permitted in this zone and a screened-in porch and deck are an extension of those permitted residential uses.

VIII. COMMUNITY COMMENTS

Adjacent neighbors: At the time of the writing of this report, no letters of support or opposition have been entered into the record.

ANC 3G: The property is within ANC-3G. ANC-3G has entered a letter of support into the record.

Attachment: Location Map

