

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: September 29, 2017

SUBJECT: BZA Case 19580 - request for special exception relief pursuant to Subtitle D § 5201.1 from C § 202.2 (Additions to Nonconforming Structures), D §§ 306.1 (Rear Yard) and 307.1 (Side Yard), to allow for the expansion of a second story of an existing one family dwelling.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201:

- Subtitle C § 202.2, Additions to Nonconforming Structures
- Subtitle D § 306.1, Rear Yard (25 feet required, 18.92 feet existing; 18.92 feet proposed (second story))
- Subtitle D § 307.1, Side Yard (8 feet required, 5.1 feet existing; 5.1 feet proposed (second story))

During initial meetings with DCRA, the applicant was notified that relief from side yard would be required. However, upon further review, Subtitle D § 307.5, permits an addition or extension into a side yard that is less than eight-feet wide, provided that a minimum side yard of five-feet is provided. Further, Subtitle D § 205.3 permits an extension or addition to a building provided that the extension or addition is limited to the portion of the rear yard included in the building area on May 12, 1958. While OP does not believe that relief for side or rear yard is required, the applicant has requested that this relief remain part of the application out of an abundance of caution.

II. LOCATION AND SITE DESCRIPTION:

Address:	3605 Patterson Street, N.W.
Applicant:	Michael Blake for Philip Renzullo
Legal Description:	Square 1963, Lot 36
Ward / ANC:	Ward 3, ANC 3G
Zone:	<u>R-1-B</u> is intended to provide areas predominantly developed with detached houses on moderately sized lots.
Historic District or Resource:	N/A

Lot Characteristics:	The flag-shaped lot is 2,965.48 square feet in area, with 40 feet of frontage along Patterson Street. The flag portion of the lot, having a frontage of five feet, extends to Nevada Avenue. The width of the flag portion of the lot is wide enough to provide only pedestrian access, and there is no alley access to the property.
Existing Development:	The lot is currently developed with a two story one family detached dwelling. There is no vehicular access to the lot.
Adjacent Properties:	There are detached one family dwellings located to the north, south, east, and west of the subject property.
Surrounding Neighborhood Character:	The surrounding neighborhood character is low density residential, consisting predominantly of one family detached and semi-detached housing units with front, back, and side yards as the predominant uses.
Proposed Development:	The applicant proposes to expand the second story of an existing detached dwelling by extending the gable roof and creating additional livable area to accommodate a master bedroom at the rear of the dwelling. The addition would maintain the existing first floor footprint and would not increase lot occupancy.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Lot Width (ft.) D § 302	50 ft. min.	40 ft.	40 ft.	Existing nonconforming
Lot Area (sq.ft.) D § 302	5,000 sq.ft. min.	2,965 sq.ft.	2,965 sq.ft.	Existing nonconforming
Height (ft.) D § 303	40 ft. max.	25.83 ft.	25.83 ft.	None required
Lot Occupancy D § 304	40% max.	36%	36%	None required
Front Setback (ft.) D § 305	16-19 ft.(max.)	18 ft.	18 ft.	None required
Rear Yard (ft.) D § 306	25 ft. min.	18.92 ft.	18.92 ft. (2 nd story)	Requested
Side Yard (ft.) D § 307	8 ft. min.	5.1 ft.	5.1 ft. (307.5)	Requested
Pervious Surface D § 308	50%	--	--	Not requested
Parking C § 702	0 spaces	0 spaces	0 spaces	None required

IV. OP ANALYSIS

Subtitle D Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*

¹ Information provided by applicant.

- (c) Courts;
- (d) Minimum lot dimensions;
- (e) Pervious surface; and
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.

The applicant has requested special exception relief from additions to nonconforming structures, rear yard, and side yard, which is permitted under the provisions of this section.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a building with only one (1) principal dwelling unit; or
- (b) A new or enlarged accessory structure that is accessory to such a building.

The applicant proposes to expand the second floor of the principal dwelling on the subject property, which is permitted under this section.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed 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 proposed expansion of the second floor would maintain the existing footprint of the ground floor, and would maintain the existing height of the structure of approximately 26 feet. The proposed design would extend the main gable and shed dormer roofs, which has the effect of minimizing the overall massing. The applicant has provided a sun study for the minor addition demonstrating that the proposed minor addition would have little to no impact on adjacent properties. As a result, the proposed addition should not unduly affect the light and air available to neighboring properties.

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

The proposed second story expansion includes two narrow windows along the east building elevation, and one larger window along the west elevation. Both elevations benefit from a side yard that would provide greater privacy to neighbors, with a six-foot side yard to be provided along the east property line, and a five-foot side yard to be provided along the west property line. The addition would accommodate a master bedroom, which is not a high-traffic use, and should have little impact on neighbors. Therefore, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

(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;

The proposed addition should not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage. The proposed second story expansion, limited to the rear of the dwelling, extends the existing roof lines of the dwelling to the rear wall of the first story, resulting in an architecturally integrated addition. The addition would be further screened from view by mature landscaping and existing neighboring dwellings.

(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; and

The applicant has provided sufficient graphical representations, including plans, photographs, and elevations sufficient to represent the relationship of the proposed addition to the existing structure and adjacent buildings, and views from public ways.

5201.4 The Board of Zoning Adjustment 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 to the proposed addition.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The one-family dwelling would continue to be used as a one-family dwelling, and a nonconforming use would not be introduced.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed second story expansion would continue the existing height of approximately 26 feet, and would not introduce nonconforming height or number of stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies have not been received by OP. DDOT has filed a report to the record noting that it has no objection to the proposal (Exhibit 31).

VI. COMMUNITY COMMENTS

As of the date of this writing, comments from the community and ANC have not been received.

Location Map

