

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: April 13, 2018
SUBJECT: BZA Case 19727 to construct an attached garage at 5035 B Street, S.E.

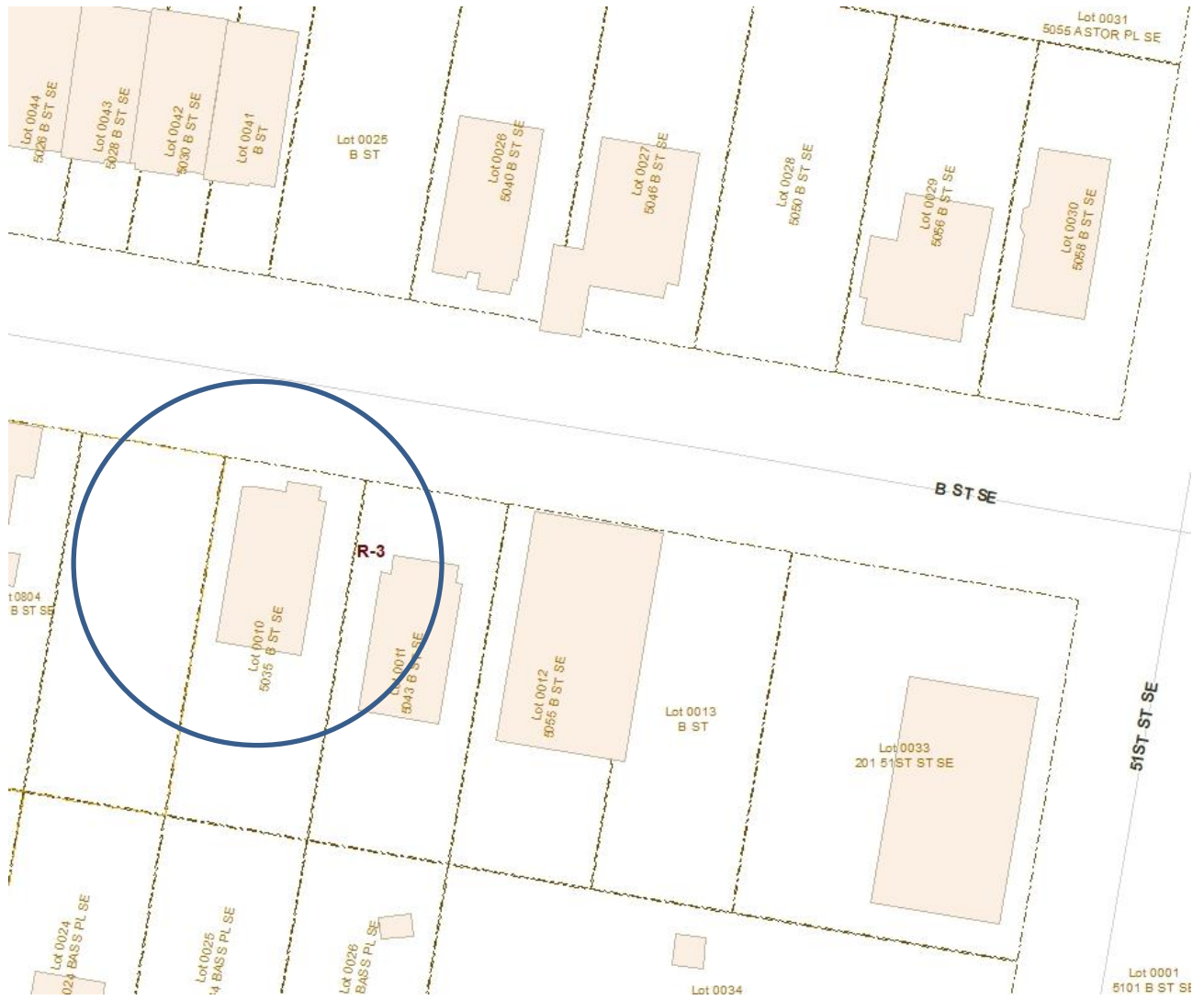
I. OFFICE OF PLANNING RECOMMENDATION

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

- **Subtitle D § 307.2** Side yard setback (8 foot required; east side: 12’ existing, 0’ proposed)

II. LOCATION AND SITE DESCRIPTION

Address	5035 B Street, S.E.
Legal Description	5325 0010
Ward / ANC	Ward 7/ ANC 7E
Zone	R-3
Lot Characteristics	4,000 SF rectangular lot
Existing Development	Detached single family dwelling
Adjacent Properties	Detached single family dwellings and apartment buildings
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character and includes single family detached buildings, attached buildings, and apartment buildings
Proposed Development	The Applicant proposes to construct an attached garage at the east (left) side and rear of the house. There is an existing curb cut and driveway located on the east side of the house.



III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing	Proposed	Relief
Height	40 feet maximum	36' 9"	No change	None required
Lot Area	4000 SF	4000 SF	N/A	None required
Lot Occupancy	40% maximum	Not provided	36.2%	None required
Rear Yard	20 feet minimum	51' 8"	36' 8"	None required
Side yard	8 feet minimum	8' and 12'	8' and 0' (east)	Relief requested

IV. OP ANALYSIS

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;**
- (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 relief from the minimum side yard requirement for the proposed addition, pursuant to Section 5201.1 (b).

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 proposal is for an addition to a building with only one principal dwelling unit on the lot.

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 light and air to neighboring properties should not be unduly affected by the proposed addition and the 36 foot span of zero side yard. The proposal is for a one-story addition at the side and rear of the three-story house. With the addition, the property would have a more than 30 foot rear yard which

would allow for light and air to neighboring properties.

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

The neighboring properties' privacy should not be unduly compromised by the proposed garage addition. The Applicant has proposed no windows on the east side of the addition which would abut the house to the east. The proposed windows on the rear elevation would face into the Applicant's rear yard. The abutting property is currently a vacant lot.

- (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 garage addition should not substantially intrude upon the character, scale and pattern of the neighboring houses along the street. The proposed attached garage would be located on the side and the rear of the house which would lessen its visibility from the street. There is no alley behind this property.

- (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 submitted photos and plans (Exhibits 5 and 6) with their original application.

- (e) *The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of forty percent (40%).*

The proposed lot occupancy would be 36.2%, which is below the maximum of 40%.

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 any special treatment for the protection of the abutting neighboring property. The Applicant has stated their intention to replace the adjacent neighbor's (to the east) retaining wall and privacy fence located in between the two properties and to install an additional privacy fence in the neighbor's back yard.

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

The use of the property would continue to be as a single-family residence, which is a conforming use, and no nonconforming use would 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 addition is within the maximum height and number of stories permitted as a matter-of-right in this zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

A DDOT report has been filed to the record at Exhibit 31, noting no objection to the proposal. No other comments from other District agencies had been filed at the time of this report.

VI. COMMUNITY COMMENTS

The ANC had not filed a report at the time of this report.