

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: May 4, 2018

SUBJECT: BZA Case 19749, 3645 49th Street, NW – Special Exception from the rear yard requirements of Subtitle D § 306.1, to construct an addition to an existing house; and Special Exception from Subtitle C § 202.2 to extend a non-conforming structure in the R-1-A zone

I. BACKGROUND

The applicant house is currently non-conforming with respect to its rear yard depth. The applicant is proposing to demolish existing additions and construct a new addition on the footprint of the existing addition, thereby repeating the same degree of rear yard non-conformity. Although the main house was constructed prior to May 12, 1958, it cannot be determined that the existing addition was constructed prior to that date. Therefore, the provisions of Subtitle D § 205.3, which would otherwise allow the proposed addition by-right, do not apply.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions pursuant to Subtitle D § 5201.1:

- Subtitle D § 306.1, rear yard (depth of at least 25 feet from rear property line required; depth of 18.8 feet proposed);
- Subtitle C § 202.2, addition to a non-conforming structure (existing rear yard depth of 18.8 feet; minimum of 25 feet required for rear yard depth; 18.8-foot depth proposed).
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Address	3645 49 th Street, NW
Applicant:	Muksy LLC, represented by Martin Sullivan
Legal Description	Square 1507, Lot 4
Ward / ANC	Ward 3; ANC 3D
Zone	R-1-A
Historic District/Resource	n/a
Lot Characteristics	8,182 square foot, generally rectangular interior lot, approximately 119 feet deep and 64 feet wide. It slopes upwards from the street to the front of the house and then is generally level.

Existing Development	Two-story single-family detached house with attached 1-story rear addition and attached 1 ½ story garage
Adjacent Properties	Similar single-family detached houses.
Neighborhood Character	Similar single-family detached houses.
Proposed Development	On the footprint of an existing additions, construct a new 2-story-plus-basement addition, including bedrooms, an expanded kitchen and a garage on the 1 st floor of the rear-most portion of the proposed addition.

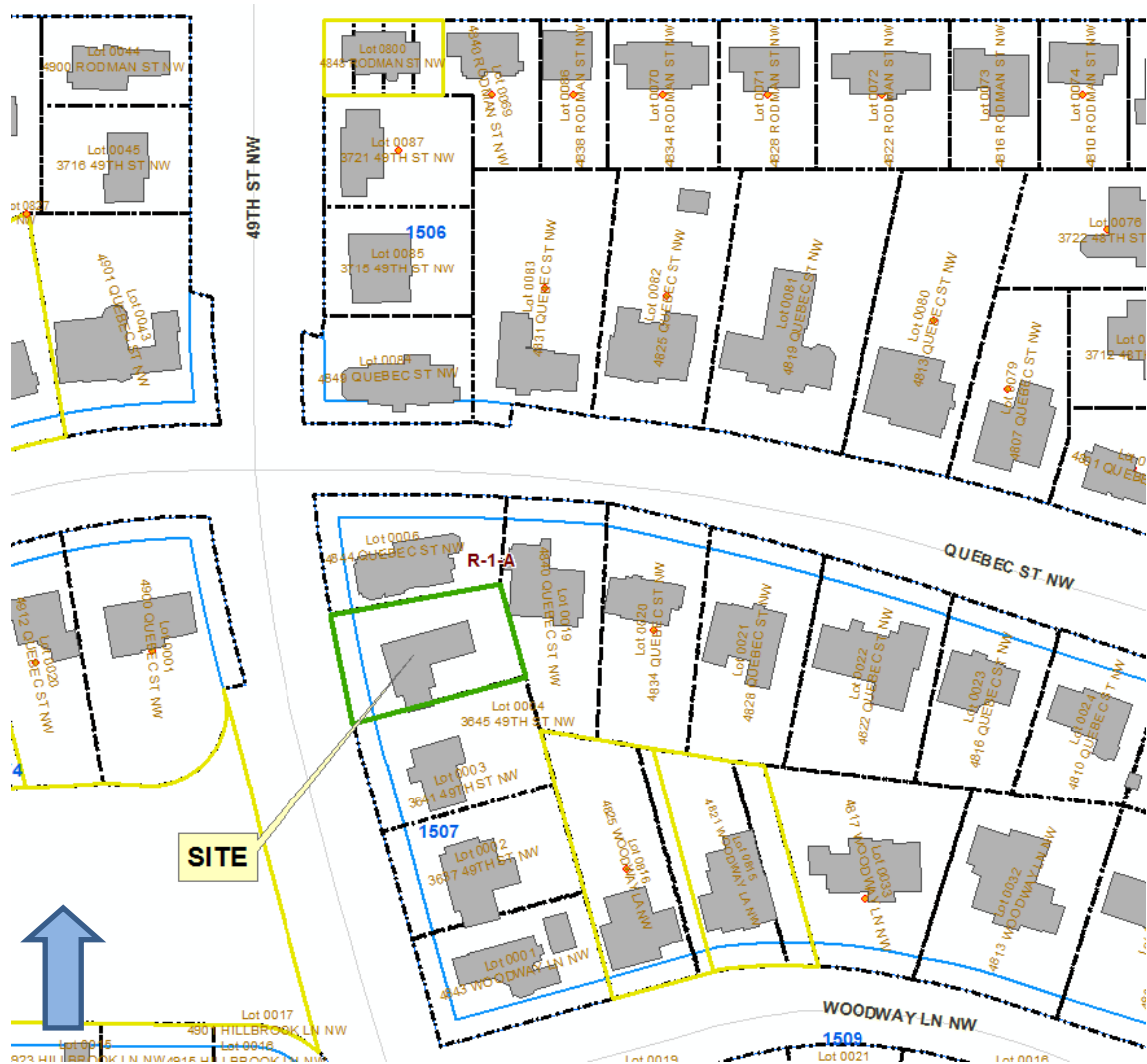


Figure 1. Location Map

III. ZONING REQUIREMENTS and PERMISSIONS REQUESTED

Item	Regulation (Sub D)	Existing	Required / Permitted	Proposed	Relief
Lot Area & Width	§ 302.1	8182 sf 75'	7500 sf min. 75 ft. min.	Same Same	Conforming
Lot Occ.	§ 304.1	21.5%	40 % max.	21.5%	Conforming
Front Setback	§ 1205	In general line with row	In general line with row	Same	Conforming
Height	§ 303.1	21.5 ft., 2 stories	40 ft., 3 stories max.	21.5', 2 stories	Conforming
Parking	§ 701.5	0	1/principal dwelling	0	Existing non-conforming
Rear Yard	§ 306.2	18.8'	25 ft.	18.8'	6.2 ft. Spec. Except.. requested
Side Yard	§ 307.4	9 ft.	8 ft.	9 ft.	Conforming
Pervious Surface	§ 308	Not provided	50%	Not provided	TBD

IV. OFFICE OF PLANNING ANALYSIS

The following analysis addresses both requested special exceptions.

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;*
- (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 is requesting special exceptions under subsection (a) for the rear yard depth for the principal building and under subsection (f) for an addition to a non-conforming structure. There is no accessory structure.

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

- (a) An addition to a residential building;*

- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The applicant proposes to construct an addition to the rear of the residential building, within the same footprint as the existing addition.

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 new addition will be no more than two stories and 21.5 feet high. Within the footprint of the existing porch, the proposed addition would be one story taller than the existing porch, and within the footprint of the existing garage, the new construction would be 1 story taller than the existing garage. The addition would be separated from the houses to the north and east by at-least 18-feet and would be more distant from the house to the south. It should not have significant or undue effect on the light or air available to neighboring properties.

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

The proposed addition would add a second floor that would increase the number of windows on the north façade, and would include extensive glazing on the south façade. The east side would contain only one window, opening into the garage. (See Exhibit 9, Sheets A-12 and A-13).

The 38-foot distance from the southern property line, plus the row of trees between the two properties, should preclude there being an undue impact on the privacy of use or enjoyment of the property to the south. The northern façade has a more traditional amount of fenestration than the south side. It is approximately 17 feet from the house to the north, and the addition is west of the principal yard of the house to the north. The combination of design, distance, and location of yard to the north should keep the proposed addition from having an undue impact on the northern property's privacy of use or enjoyment. The absence of windows on the east wall of the proposed addition should preclude an undue impact on the privacy of use or enjoyment of the house to the east.

- (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 addition would be behind the main portion of the house, but the north face of the addition would be visible from some parts of 49th Street. The traditional design of that façade is sympathetic with the principal portion of the house, and with the surrounding neighborhood. The southern and eastern facades would not likely be visible from public ways.

- (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 photographs in Exhibit 8 have met this condition for the purposes of OP's assessment of the 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 seventy percent (70%).*

There is no need for lot occupancy relief. The structure's lot occupancy would remain below 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 the Board require any special treatment.

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

The property would be used as a single-family structure, as permitted in the R-1-A zone.

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 structure would conform to height and story limits.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation's (DDOT) report (Exhibit 28) states that DDOT has no objection to the requested relief. No other District agencies had commented at the time OP completed its report.

VI. COMMUNITY COMMENTS

ANC 3D voted unanimously to recommend the BZA approve the request (Exhibit 31). The north and south adjacent neighbors have expressed their support for the application (Exhibits 29 and 30).