

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 25, 2019
SUBJECT: BZA Case 19906 - request for special exception relief pursuant to Subtitle D § 5201.1 from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear shed dormer on the fourth story of an existing residence at 3323 P Street N.W.

I. RECOMMENDATION

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

- C § 202.2 (Nonconforming 4th story, existing; increase in occupiable space of 4th story by addition of a shed-dormer, proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	3323 P Street, N.W.
Applicant:	3323 P Street, Trust
Legal Description:	Square 1254; Lot 223
Ward / ANC:	2/2E03
Zone:	R-20: characteristic of a unique mix of housing types including detached, semi-detached and attached dwellings ...and includes areas where attached houses are mingled with detached houses and semi-detached houses.
Historic District	The property is within the Georgetown Historic District and the jurisdiction of the Commission of Fine Arts (CFA).
Lot Characteristics:	The lot is a large rectangular lot, 150 feet in length and 69 feet in width, with alley/easement access to the lot's rear.
Existing Development:	The property is developed with a four-story, masonry single-family home, which predates the Zoning Regulations. The existing residence is nonconforming due to its height and number of stories.
Adjacent Properties:	The surrounding properties are a mix of single-family detached and attached homes, and alley dwellings to the north of the property.

Surrounding Neighborhood Character:	The surrounding neighborhood is a mix of large single-family detached and attached homes, as well as smaller row dwellings, some churches and institutions, the majority of which are contributing structures of the historic district.
Proposed Development:	The applicant amended an approved building permit for renovation of the home, to include the installation of a dormer at the rear roof slope of the main house, which increases the livable space on that level. Since it is an existing non-conforming fourth story, relief is required from the prohibition of expanding a non-conforming aspect of the structure. The height of the building would not be increased.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-20 Zone	Regulation	Existing	Proposed ¹	Relief:
Height D § 1203.1	35 ft. max.	44ft. 8.5 ins	44 ft 8.5 ins	None required
Lot Width D §1202.1	40 ft. min.	69 ft.	69 ft.	None required
Lot Area D § 1202.1	4,000 sq. ft. min.	10,350 sq. ft.	10,350 sq. ft.	None required
Lot Occupancy D § 1204.1	40% max.	29.4 %	29.4 %	None required
Rear Yard D § 1206.2	20 ft. min.	55.95 ft.	55.95 ft.	None required
Side Yard D § 307	None required, but 5 ft. min. if provided	18ft.; 8.5 ft.	18ft.; 8.5 ft.	None required
C § 202 – nonconforming structure addition	addition or enlargement shall: (a) Conform to use and development standard requirements; and (b) Neither increase or extend any <u>existing nonconforming aspect of the structure</u> ; nor create any new nonconformity of structure and addition combined.	4 stories - 3 stories maximum permitted	increase in occupiable space of the non-conforming 4 th story.	Relief required

IV. ANALYSIS

Subtitle E 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 project includes the addition of a shed-dormer to increase the occupiable space of the 4th floor. While not increasing the height or the number of stories, the addition would increase the nonconforming fourth floor's living area.

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 addition is proposed to an existing residential structure.

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 available to neighboring properties should not be unduly affected due to the dormer's location at the rear roof. The detached home is on a large lot, with sufficient separation between abutting residences. Although the structure is higher than the abutting homes, the dormer's projection out of the roof would not appear to be large enough to create significant shadowing on abutting neighbors.

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

Similarly, the privacy of use and enjoyment of neighboring properties should not be unduly compromised, as windows on the dormers would face the rear, providing direct views to the lower roof of the subject property and towards the alley.

(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 dormer would not impact views along P Street. However, since this is a historic district the addition was reviewed and approved by the Old Georgetown Board and the Commission of Fine Arts (Exhibit 9).

(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 required submissions are noted in the record as Exhibits 4A1, 4A2 (plans and elevations), and Exhibit 13 (color photographs).

(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%).

The existing lot occupancy of 29.4%, would remain within the matter-of right limits of 40% and the maximum 50%, permitted by special exception relief.

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.

Special design treatment is not recommended. The installation was approved by the CFA as noted prior.

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

The property's use would continue as a single-family residential use, as permitted in this 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.

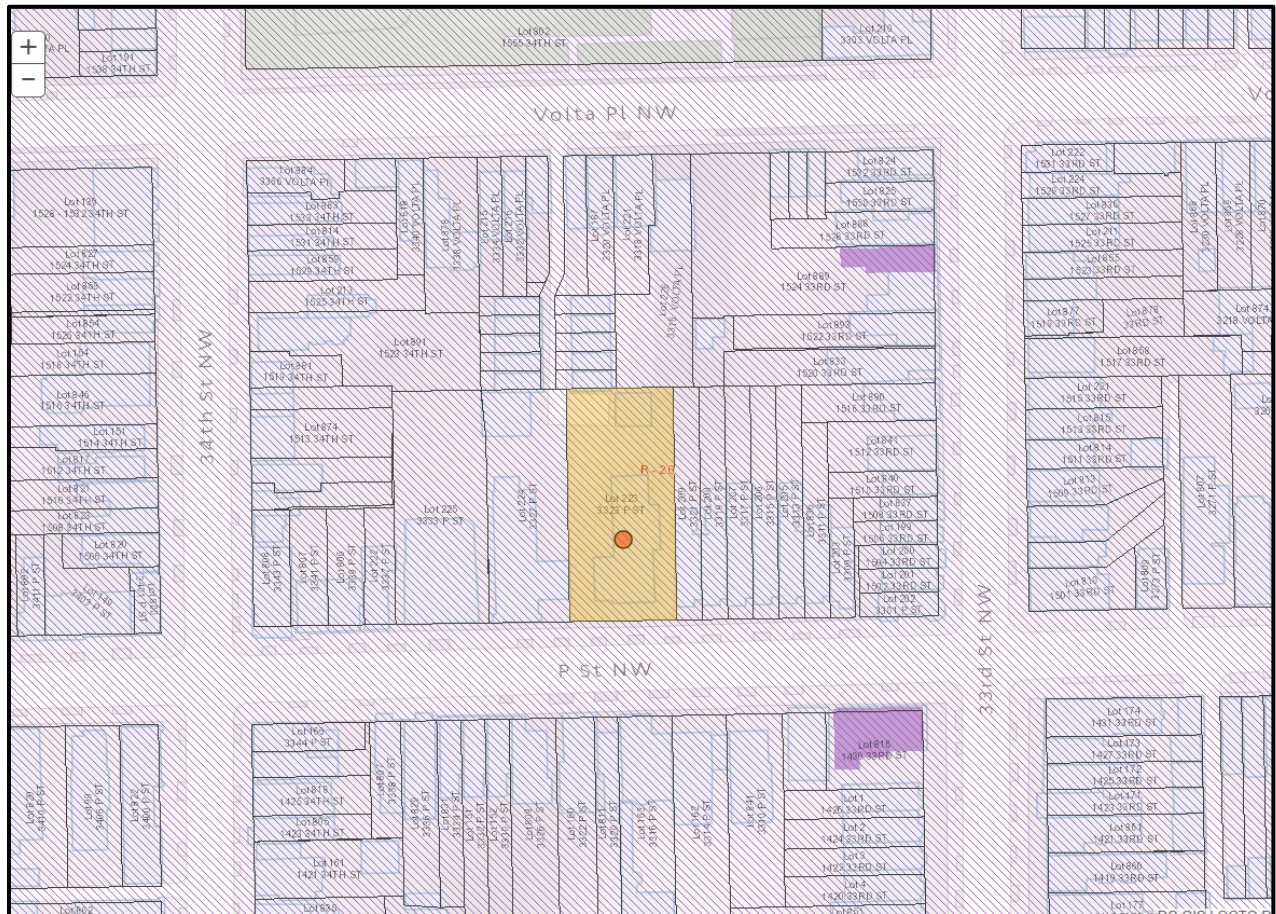
The shed-dormer would not increase the building's height or number of stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

At the writing of this report, District agencies' reports were not noted in the record.

VI. COMMUNITY COMMENTS TO DATE

The ANC 2E voted to not object to the application at its regularly scheduled meeting on January 2, 2019 (Exhibit 35).



Zoning and Location Map