

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 12, 2019
SUBJECT: BZA Case 20071, 5405 Sherier Place, NW to permit an addition to an existing single-family dwelling.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Lot Occupancy, Subtitle D § 304.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.1 (40% minimum maximum permitted; 42.5% existing; 44.3% proposed).

The Applicant did not request relief from C § 202.2, but is proposing an addition to an existing nonconforming structure.

II. LOCATION AND SITE DESCRIPTION

Address	5405 Sherier Place NW
Applicant	Case Design Remodeling on behalf of Charles Weil, owner.
Legal Description	Square 1444, Lot 0043
Ward, ANC	3 / 3D
Zone	R-1-B -- intended to provide for areas predominantly developed with detached houses on moderately sized lots.
Lot Characteristics	Rectangular lot measuring approximately 48 feet in width and 92 feet in depth. The lot is bound by Sherier Place NW to the southwest, a 15-foot wide improved public alley to the northeast, and adjoining lots to the southeast and northwest.
Existing Development	The property is improved with an existing one and one-half story detached building, as well as a detached accessory building serving as a garage with accessory living space above.
Adjacent Properties	The adjacent properties at 5401 and 5417 Sherier Place NW are improved with detached buildings in residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character.
Proposed Development	The Applicant is proposing to construct a one-story mud room addition and covered entry porch on the southeast side of the building.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-1-B	Regulation	Existing	Proposed¹	Relief
Lot Width D § 302	50 ft.	48 ft.	48 ft.	Existing Nonconforming
Lot Area D § 302	5,000 sq. ft. min.	4,800 sq. ft.	4,800 sq. ft.	Existing Nonconforming
Height D § 303	40 ft. max.	23.9 ft.	23.9 ft.	None Required
Lot Occupancy D § 304	40% max. / 50% by SE	42.5%	44.3%	SE Requested
Rear Yard D § 205	25 ft. min.	43.5 ft.	43.5 ft.	None Required
Front Setback D § 305	Existing Range	0 ft.	0 ft.	None Required
Side Yard D § 206	8 ft. min.	8 ft.	8 ft.	None Required
Parking C § 7	1 space	1 space	1 space	None Required

IV. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief from Subtitle D § 304, Lot Occupancy

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 lot occupancy provisions of D § 304.1, which states that the Board may approve a lot occupancy of up to 50%. The Applicant is proposing a one-story addition that would increase the existing nonconforming lot occupancy from 42.5% to 44.3%.

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 is proposing an addition to an existing residential building.

¹ Information provided by the Applicant, Exhibit 10, May 16, 2019.

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 one-story addition would be located at the southeast corner of the house and would partially fill in an existing "el" at the front entry to the residential building. The proposed addition would not be visible from 5417 Sherier Place, NW. The adjacent building at 5401 Sherier Place, NW is set back from the property line and is located behind the proposed addition. Therefore, the light and air available to the neighboring properties should not be unduly affected.

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

The existing building separates the proposed addition from the neighboring property at 5417 Sherier Place, NW. The proposed addition would not encroach on the required 8-foot side yard setback adjacent to 5401 Sherier Place, NW. The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties.

(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, which is modest in size, would be clad in brick veneer to match the existing building. The proposed addition should not substantially visually intrude on the character, scale, and pattern of houses along Sherier Place, NW.

(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 provided plans and elevations (Exhibit 6) to depict the proposed addition, as well as photographs of existing conditions (Exhibit 5).

(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 proposed lot occupancy would be 44.3%.

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.*

No special treatment is recommended for 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 proposal would not introduce or expand a nonconforming use.

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 Applicant is proposing a one-story addition that would not exceed the 40-foot maximum height permitted.

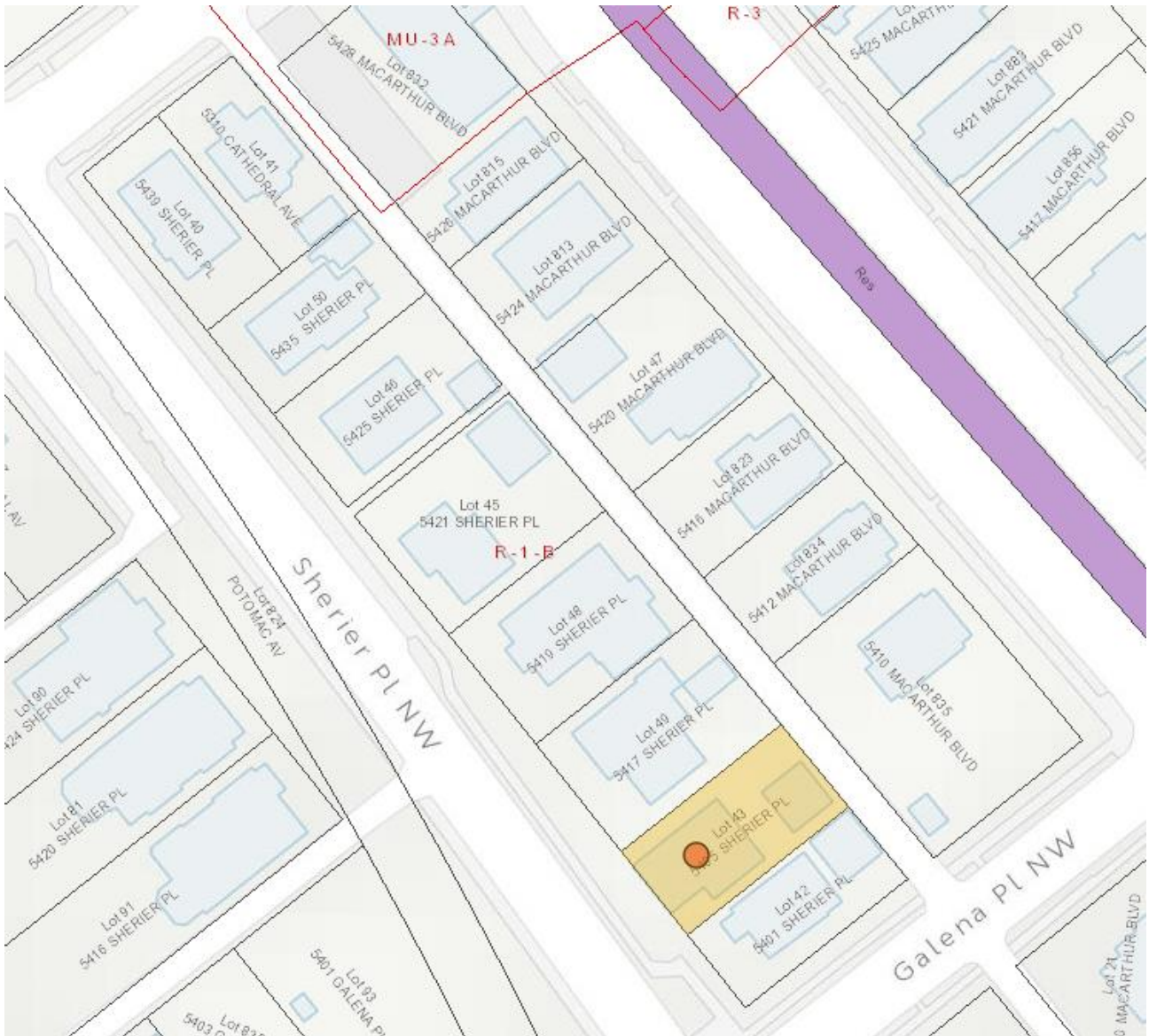
V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies had not been received at the time this report was drafted.

VI. COMMUNITY COMMENTS TO DATE

ANC 3D voted by unanimous consent at its June 12, 2019 regular meeting to support the special exception relief request.

Attachment: Location Map



Location Map: 5405 Sherier Place, NW