

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: November 22, 2019

SUBJECT: BZA #20152 – 4600 45th Street NW –to permit an addition and porch to an existing home.

I. RECOMMENDATION

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

- D § 306 Rear Yard (25 ft. min.; 19.5 ft. existing; 16 ft. proposed); and
- D § 206.2 Side Yard (8 feet min.; 5 feet proposed)

II. LOCATION AND SITE DESCRIPTION

Applicant	Susana Chu and Ariel David Adesnik
Address	4600 45 th Street NW
Legal Description	Square 1569, Lot 0001
Ward / ANC	3, 3E
Zone	R-1-B (Single-family homes)
Historic District or Resource	None
Lot Characteristics	The rectangular corner lot is elevated above the street grade at Brandywine Street and 45 th Street. The 3,542-sf lot abuts a 16-foot wide alley.
Existing Development	The subject property is improved with a two-story, brick/frame, detached single-family residence.
Adjacent Properties and Neighborhood Character	The adjacent properties west of the lot along Brandywine Street are single-family detached homes. The surrounding properties are all single-family detached homes within the R-1-B District.

<p>Proposal</p> <p>Background</p>	<p>The applicant proposes to construct a two-story addition (12x14 ft.) and a front porch (4 x 22 feet) as part of the home’s renovation. (Exhibit 6)</p> <p>The Department of Consumer Affairs (DCRA) informed the applicant that although the home is oriented towards 45th Street, for zoning purposes the front of the house is considered as Brandywine Street. Thus, the proposed addition would be constructed in the rear yard and the porch would be constructed in the area of the front door fronting 45th Street.</p>
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III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant requests relief from the lot occupancy and rear yard requirements to construct a rear addition as shown in Exhibit 6.

Item	Regulation	Existing	Proposed	Relief
Lot Width D 201	50 ft	46 ft.	No change	Existing Nonconforming
Lot Area D 201	5,000 sf	3,542 sf	No change	Existing Nonconforming
Height D 303	40 ft. 3 stories	28 ft 2ins 2 stories	17 ft 8ins	Conforming
Lot Occupancy D 304	40% 50% by spec. ex.	24%	32%	Requested
Front Setback D 305	w/in range existing on block	In-line with other homes	No change	Conforming
Rear Yard D 306	25 ft.	31 ft.	16.8 ft.	Requested
Side Yard D 206	8 ft.	9 ft.	5 ft.	Requested

IV. ANALYSIS

SUBTITLE D § 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 seeks special exception relief from the rear and side yard requirements.

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 subject of the application is an addition 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. The proposed addition and porch would face the alley and 45th Street since the house is located on a corner lot. The addition should not have an adverse impact on any abutting property, in terms of adversely affecting light and air to neighboring properties. The proposed porch would be an open structure fronting 45th Street and the attached amenity room would not extend beyond the applicant's driveway to result in shadows on the neighboring property to the west. Thus, the overall scale of shadow should not increase significantly from the present condition. Air flow to the adjacent property to the west should not be unduly affected.

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

The privacy of adjacent property owners should not be unduly compromised. The renovated structure would have windows on the rear façade facing the alley and on the elevation fronting 45th Street. The addition would be similar to the height pattern of abutting homes.

The privacy of the neighbors across the alley also should not be unduly compromised, due to existing fencing, trees and the cumulative depths of rear yards and the 16-foot wide alley, which acts as a screen.

- (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;*

There should be limited visibility of the addition across the alley. It would be visible from 45th Street, but the scale of the addition would not be out of character with other properties on the square.

- (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 application includes plans, elevations and photographs to represent the existing and

proposed conditions (Exhibits 6, 9, 12).

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of fifty percent (50%).

The application proposes a lot occupancy of 32%.

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 recommends no special treatments.

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

The use as a single-family residential use would be continued, as permitted in the R-1-B 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 height of the house would remain conforming.

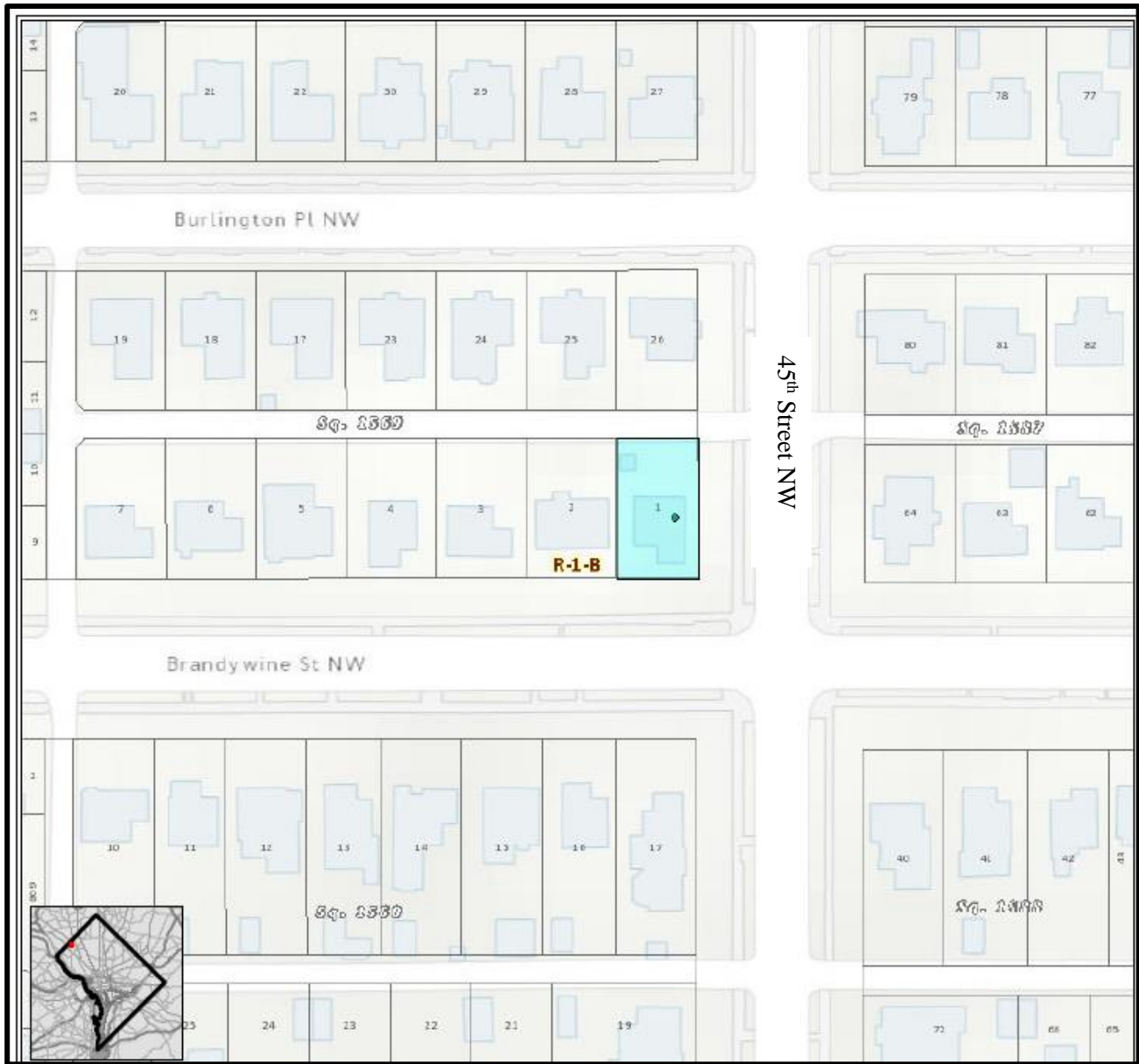
V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transport's report is included in the record at Exhibit 36.

VI. COMMUNITY COMMENTS

The record includes signed letters of support from neighbors at Exhibit 7.

An ANC3E report in support of the proposal has also been added to the record at Exhibit 38.



LOCATION and ZONING MAP