

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** February 28, 2020

**SUBJECT:** BZA Case 20220: Request for special exception relief pursuant to Subtitle D § 5201.1 from D §§ 507.1 and 5005.1, to allow a rear addition on an existing detached principal dwelling unit in the R-8 zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- D § 507.1, Side yard (8 ft. minimum, 24 ft. aggregate required; 7 ft., 9 ft. aggregate existing; 8 ft., 10 ft. aggregate proposed); and
- D § 5005.1, Accessory building side yard (8 ft. minimum from property line, 10 ft. minimum from principal building required; 2 ft. from property line, 2 ft. from principal building existing).

OP has informed the applicant that relief from Subtitle C § 202.2, for additions to nonconforming structures, appears to also be required, as the existing structure is nonconforming for side yards. If required, OP would support this relief as well.

**II. LOCATION AND SITE DESCRIPTION**

Address	2928 Ellicott Street, N.W.
Applicants	Sullivan & Barros, LLP for Paul Pearlstein
Legal Description	Square 2270, Lot 8
Ward, ANC	Ward 3, ANC 3F
Zone	The <b>R-8</b> zone is intended to permit detached houses on large lots, within the Forest Hills Tree and Slope Protection area.
Historic Districts	None
Lot Characteristics	The rectangular lot has 6,692 square feet of area and 60 feet of width along Ellicott Street. The rear of the lot is also 60-feet in width and does not have access to a public alley.
Existing Development	The lot is currently developed with a two-story detached house and an accessory building.
Adjacent Properties	The adjacent properties to the north, south, east and west are developed as detached houses.

Surrounding Neighborhood Character	The surrounding neighborhood character consists predominantly of detached houses.
Proposed Development	The applicant proposes to construct a 286 square foot single-story addition at the rear of the building, consisting of a bedroom and bathroom. Although the existing building is nonconforming in terms of side yard, the proposed addition would provide a slightly larger, compliant side yard so relief is required only for the aggregate side yard.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R-8 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width D § 502	75 ft. min.	60 ft.	No change	Existing nonconforming
Lot Area D § 502	7,500 sq.ft. min.	6,692 sq.ft.	No change	Existing nonconforming
Height D § 503	40 ft. max.	23.7 ft.	No change	None required
Lot Occupancy D § 504	30% max.	26%	30%	None required
Front Setback D § 505	Within the range of existing front setbacks of all residential buildings on the same side of the street in the block	Not provided	No change	None required
Rear Yard D § 506	25 ft. min.	50 ft.	28 ft.	None required
Side Yard D § 507	8 ft. min., 24 ft. aggregate	East – 7 ft.  West – 2 ft. 9 ft. aggregate	East – 8 ft. (addition)  West – 2 ft. 10 ft. aggregate	<b>Required</b>
Pervious Surface § 508	50%	Not provided	Not provided	None requested
Accessory Building Side Yard D § 5005	8 ft., 10 ft. from principal building when located beside principal building	2 ft.	2 ft., 2.5 ft. from principal building	<b>Required</b>
Parking C § 701	1 space min.	1 space	No change	None required

#### IV. OP ANALYSIS

##### 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 has requested relief from aggregate side yard and accessory building side yard, consistent with this section.

*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 site is currently developed with a residential building with only one principal dwelling unit, consistent with this section.

*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 applicant proposes to add approximately 282 square feet to the footprint of an existing detached dwelling. The addition would be one story, having a height of 13.58-feet. The required minimum side yard of 8-feet would be provided between the addition and the east property line, which also abuts the 45-foot deep rear yard of the adjacent property; however, the side yard between the existing building and east property line would remain existing nonconforming and the aggregate side yard (a provision unique to this zone) would continue to be non-conforming. The addition would be screened from the west property line by an existing accessory building. The limited height and size of the addition, as well as the proposed yards and screening by existing structures, should ensure that light and air available to neighboring properties is not unduly affected.

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

The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. The east building elevation, which faces the rear yard of the adjacent property, would include clearstory windows near the roofline that should not provide a direct line of sight into the adjacent property. The west building elevation would be screened from the adjacent property by an existing accessory structure, and the south building elevation would be separated from the property line by more than 25-feet.

*(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 located at the rear of the dwelling but may be visible from Ellicott Street via the side yard. The design of the one-story addition would be compatible with the existing dwelling, consisting of matching brick and shingles, so should not substantially visually intrude upon the character, scale, and pattern of houses of along the street frontage.

*(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 has provided graphical representations, including plans, photographs and elevations sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways (Exhibits 2 and 3).

*(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:*

**TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY**

<b>Zone</b>	<b>Maximum Lot Occupancy</b>
R-3 R-13 R-17	70%
R-20 – attached dwellings only	70%
R-20 – detached and semi-detached dwellings All Other R zones	50%

The applicant has not requested lot occupancy relief. The proposed lot occupancy is 30%, which complies with the development standards for the R-8 zone.

*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.*

The Office of Planning does not recommend special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features of the proposal for the protection of adjacent and nearby properties.

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

The property is currently developed as a detached dwelling, which is permitted in the R-8 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 proposed development would add a single-story addition having 13.58-feet of height, which is permitted within the R-8 zone.

#### **V. OTHER DISTRICT AGENCIES**

A DDOT report noting no objection to the application is filed at Exhibit 26. As of the date of this writing, comments from other District Agencies had not been submitted to the record.

#### **VI. ADVISORY NEIGHBORHOOD COMMISSION COMMENTS**

As of the date of this writing, comments from the ANC had not been submitted to the record.

#### **VII. COMMUNITY COMMENTS**

As of the date of this writing, comments from the community had not been submitted to the record.

Attachment: Location Map

### Location Map

