

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 26, 2017

SUBJECT: BZA Case 19682: Request for special exception relief pursuant to Subtitle D § 5201.1 from D § 307.1, to allow an addition to encroach into a required side yard.

I. OFFICE OF PLANNING RECOMMENDATION

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

- D § 307.1, Side Yard (8 feet required, 3 feet existing; 3 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	2608 36 th Street, N.W.
Applicants	Elizabeth Shepard for Tom Henneberg and Lisa Haynes
Legal Description	Square 1935, Lot 24
Ward, ANC	Ward 3, ANC 3C
Zone	R-1-B is intended to provide areas predominantly developed with detached houses on moderately sized lots.
Historic Districts	None
Lot Characteristics	The 6,131-square foot rectangular lot has 50 feet of frontage along 36 th Street. The rear of the lot, also 50 feet wide, abuts a 15-foot wide public alley.
Existing Development	The lot is currently developed with a two-story detached dwelling with nonconforming side yards.
Adjacent Properties	To the north, is a detached dwelling that is currently owned by an Embassy. To the south, east (across 36 th Street), and west (across the public alley), are detached dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is primarily low density residential, consisting of detached dwellings on moderately sized lots.

Proposed Development	The applicant proposes to remove an existing enclosed single-story porch and replace it with a two-story rear addition along the north building elevation. A special exception is required to allow the addition to maintain an existing three-foot side yard, where eight feet is required. A single-story porch addition would be provided along the south building elevation, although, relief is not required for this addition.
----------------------	--

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed	Relief
Lot Width (ft.) D § 302	50 ft. min.	50 ft.	50 ft.	None required
Lot Area (sq. ft.) D § 302	5,000 sq.ft. min.	6,130 sq.ft.	6,130 sq.ft.	None required
Height D (ft.) § 303	40 ft. max.	31.6 ft.	31.6 ft.	None required
Lot Occupancy D § 304	40% max.	20.9%	25.3%	None required
Front Setback (ft.) D § 305	14-24 ft. (max.)	18 ft.	18 ft.	None required
Rear Yard (ft.) D § 306	25 ft. min.	63.3 ft.	56.9 ft.	None required
Side Yard (ft.) D § 307	8 ft. min.	3 ft. (north) 5.66 ft. (south)	3 ft. (north) 5.66 ft. (south)	Required
Pervious Surface D § 308	50% min.	Not provided	Not provided	Not requested
Parking C § 701	1 per dwelling	1 space	1 space	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 side yard requirements, which is 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 applicant has requested relief for a proposed addition to a building with 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 existing side yard along the north property line is 3 feet, which would be continued with the proposed addition. The property to the north provides a driveway adjacent to the shared property line, resulting in a separation of approximately 11 feet between the two residences. Given this separation and the compliant height of the proposed addition, the light and air available the neighboring property should not be unduly affected.

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

The proposed addition would be approximately 150 square feet in area, and would be fully enclosed. The north building elevation would not include new windows, and existing mature vegetation between the residences provides an additional buffer that reduces visibility of the addition and its overall impact to the neighboring property. As a result, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

- (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 would be located at the rear of the dwelling, behind the existing façade. The addition may be minimally visible from specific locations on 36th Street, but the design of the addition is compatible with the existing structure and would not substantially visually intrude upon the street frontage. The addition would be visible from the alley, although a substantial rear yard of nearly 57 feet and mature landscaping minimize the impact it would have upon the character and pattern of development along the alley. Overall, the proposed addition would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage or alley.

(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 site plans, building elevations, and photographs sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

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 special treatments in the way of design, screening, exterior or interior lighting, building materials, or other features.

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

The existing detached dwelling will continue to be used as a residence, 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 proposed addition would consist of two stories and be 31.6 feet in height, which complies with the development standards for this zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies had not been received.

VI. COMMUNITY COMMENTS

As of the date of this writing, comments from the ANC had not been provided to the record; however, the applicant has indicated that the ANC voted to recommend approval at its January 16, 2018 meeting. Several letters of support from neighbors have been provided to the record.

Attachment: Location Map

Location Map

