

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Anne Fothergill, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** March 9, 2018

**SUBJECT:** BZA Case 19697 - request for Special Exception to expand a non-conforming structure at 4220 Fordham Road, NW.

**I. OFFICE OF PLANNING RECOMMENDATION**

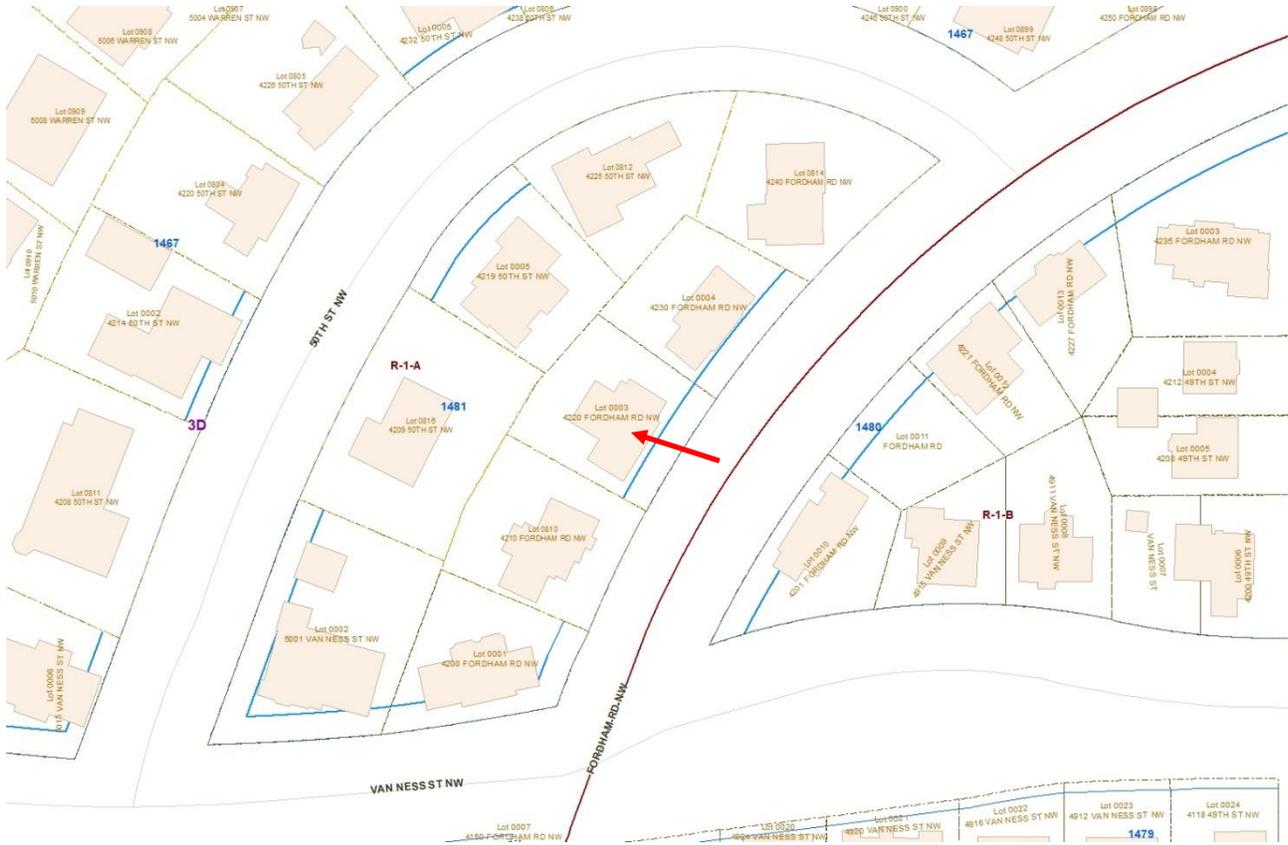
The Office of Planning (OP) recommends **approval** of the following Special Exceptions pursuant to Subtitle D § 5201:

- Subtitle D § 306.1 Rear Yard (25 feet minimum required; 20.6 feet proposed)

If required, OP also would support a Special Exception from Subtitle C Section 202.2 for an addition to a non-conforming structure.

**II. LOCATION AND SITE DESCRIPTION**

Address:	4220 Fordham Road, N.W.
Legal Description:	Square 1481 Lot 0003
Ward / ANC:	Ward 3/ ANC 3D
Zone:	R-1-A
Historic District:	N/A
Lot Characteristics:	7004 SF rectangular lot
Existing Development:	Detached single family residential dwelling
Adjacent Properties:	The adjacent properties are all detached single family residential dwellings
Surrounding Neighborhood Character:	The surrounding neighborhood is generally residential in character with commercial uses located along Massachusetts Avenue to the northeast.



**III. PROJECT DESCRIPTION IN BRIEF**

The Applicant proposes to construct a one-story and two-story plus basement addition at the rear right corner of the house.

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

R-3 Zone (Subtitle D)	Regulation	Existing	Proposed <sup>1</sup>	Relief
Height	40 feet	17.4 feet	No change	None requested
Lot Width	75 feet min.	76.7 feet	No change	None required
Lot Area	7,500 SF min.	7,004 SF	No change	Existing non-conformity
Rear Yard	25 feet min.	22.5 feet	20.6 feet	<b>Relief requested</b>
Lot Occupancy	40% max.	28.1%	No change	None required

<sup>1</sup> Information provided by applicant.

**V. OP ANALYSIS**

**A. 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 has requested a special exception from the rear yard requirement.

*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 proposal is for an addition to a building with only one principal dwelling unit on the lot.

*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 to neighboring properties should not be unduly affected by the proposed addition to the house and the requested relief from the rear yard requirements. The subject property has a larger side yard distance between the adjacent properties than the minimum required by zoning regulations. The substandard rear yard is an existing non-conformity and the proposal would reduce the yard by an additional 1.9 feet only at one corner of the house. The corner of the addition that requires the rear yard relief is only one story and should not unduly affect the light and air of neighboring properties. The small two-story addition that the Applicant proposes does not require any relief.

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

The privacy or use of neighboring properties should not be compromised by the proposed addition to the house. There is an existing privacy fence that will remain. The proposed rear elevation would have two new windows at the rear right side but they should not impact the privacy or use of the abutting property to the rear due the distances between the houses. The house is detached and has conforming side yards between the adjacent properties providing adequate privacy for owners.

- (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 is entirely at the rear and would only be slightly visible from the street and as such should not visually intrude on the character and scale of the house and the pattern of houses along the street. The addition has been designed to be in keeping with the character and scale of the subject house and other houses on the block.

- (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 adequate photos and plans to represent the relationship of the addition to adjacent buildings and public ways.

- (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 remain at 28.1%, which is permitted by right.

*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 any special treatment.

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

The use of the property would continue to be as a single-family residence, which is a conforming use, and no nonconforming use would be introduced.

*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 building expansion is within the maximum height and number of stories permitted as a matter-of-right in this zone.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

There were no comments on file from other District agencies at the time of this report.

## **VII. COMMUNITY COMMENTS**

ANC 3D voted to support the special exception (Exhibit 30). There are letters of support from neighboring property owners in Exhibit 27 and 28.