



BZA CASE NO. 19749  
3645 49<sup>TH</sup> STREET, NW  
MAY 16, 2018

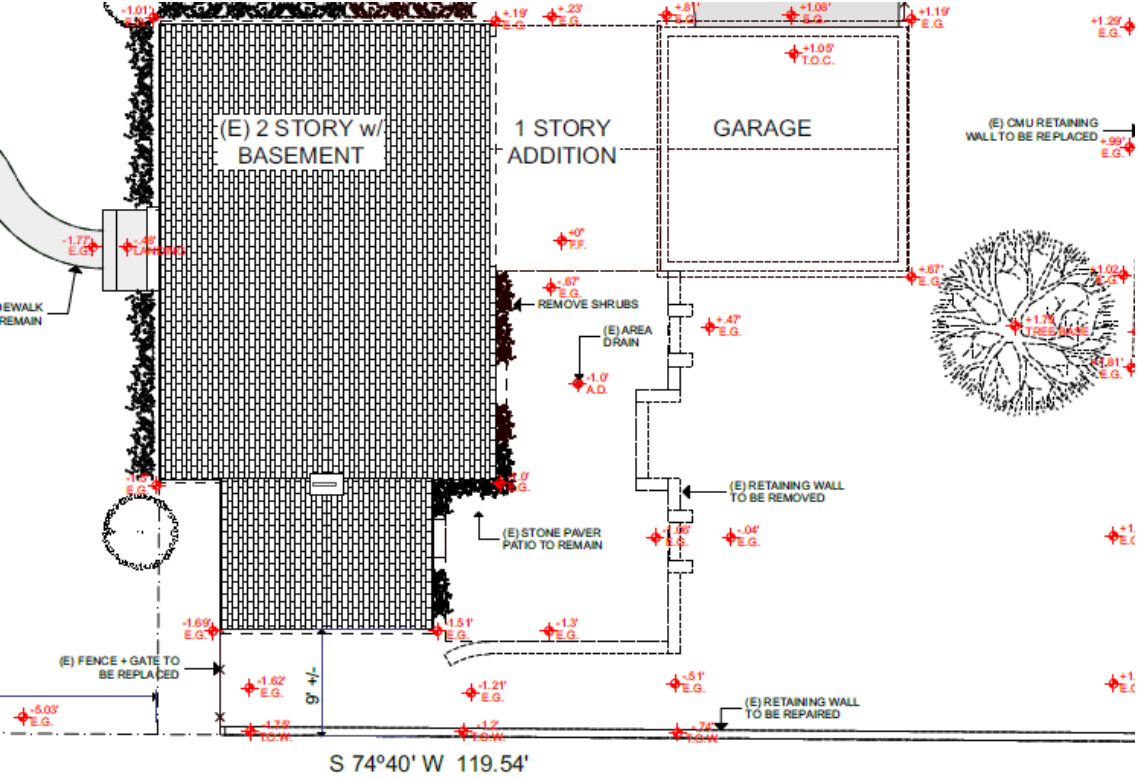
Board of Zoning Adjustment  
District of Columbia  
CASE NO.19749  
EXHIBIT NO.34

# Overview

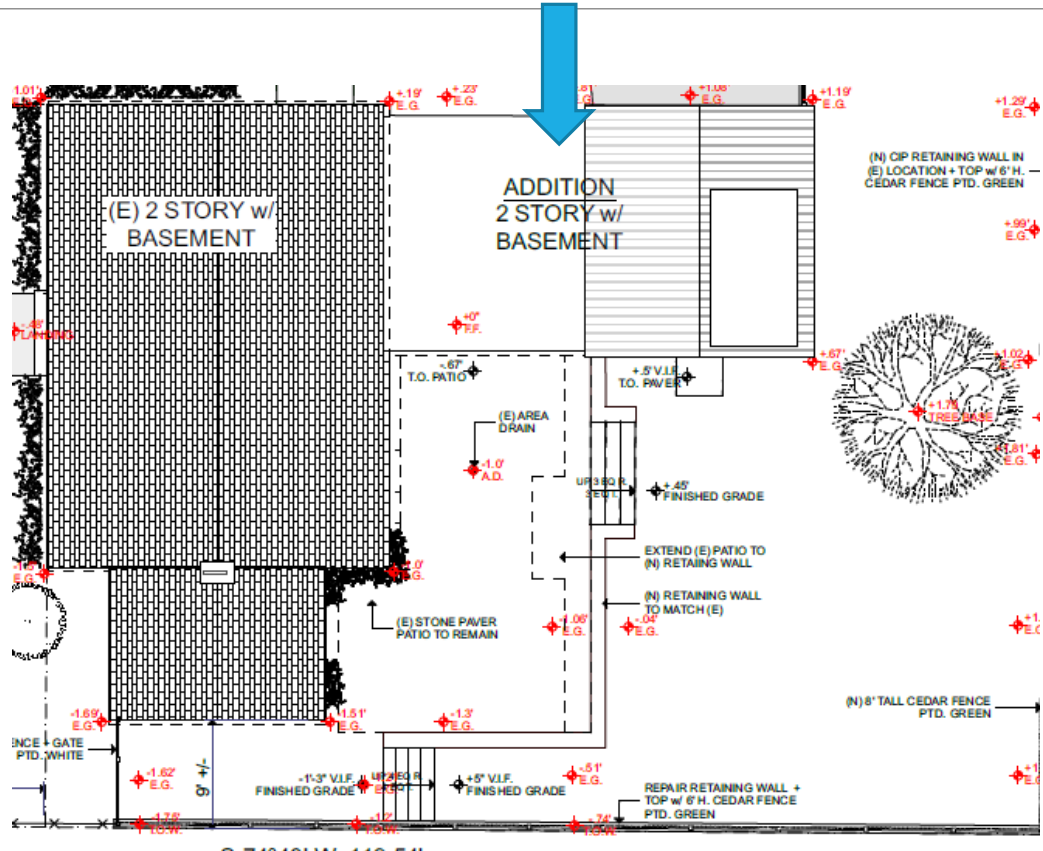
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- Applicant is the owner and resident of the property
- Proposing to construct a single-story addition at the rear of the building on top of an existing one-story garage
- ZR state: “In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.”
- It is unclear when the non-conforming rear addition was constructed prior to 1958
- Existing rear yard is only 18.8 ft.; required rear yard is 25 ft.
- Building footprint is not changing; lot occupancy is not changing
- Accordingly, Applicant is requesting relief pursuant to D-5201 from the requirements of D-306.1 and C-202.2

# Existing Footprint & Proposed Footprint- no change



(E) SITE PLAN 1  
SCALE: 1/8" = 1'-0"



PROPOSED SITE PLAN 1  
SCALE: 1/8" = 1'-0"

# Requirements of D-5201.3

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- 5201.3(a): *The light and air available to neighboring properties shall not be unduly affected;*
- 5201.3(b): *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*
- 5201.3(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;*
- Separated from the houses to the north and east by at-least 18-feet and would be more distant from the house to the south; no windows on the proposed east wall
- Combination of design, distance, and location of the yard should keep the proposed addition from having an undue impact on the adjacent properties' privacy of use or enjoyment
- Proposed addition will not be visible from the public ways; however, the traditional design of that façade is sympathetic with the principal portion of the house, and with the surrounding neighborhood.

# Requirements of D-5201.3

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*5201.3(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*

*5201.3 (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%)*

- Applicant has provided photos and plans sufficient to represent the relationship of the proposed addition to adjacent buildings
- No increase in lot occupancy; existing lot occupancy is 21.5%



# D § 5201.4 - 5201.6

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- *Section 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 Applicant will comply with Board directives for protection of adjacent and nearby properties.
- *Section 5201.5 “This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.”*
- The Applicant is not requesting to introduce or expand a nonconforming use.
- *Section 5201.5 “This section may not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.”*
- The Applicant is not requesting to introduce or expand nonconforming height or number of stories.

# Conclusion

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- Proposed Addition will not increase the existing building footprint or lot occupancy
- Both adjacent neighbors are in support of the Application
- ANC is in support of the Application
- OP recommends approval of the Application