

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 25, 2019
SUBJECT: BZA Case 19904: Request for special exception relief pursuant to Subtitle D § 5201.1 from D § 306.2, to allow a rear addition at 2921 28th Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- D § 306.2, rear yard (20 feet required, 18.5 feet existing; 18.5 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	2921 28 th Street NW
Applicants	Aspasia Paroutsas, owner.
Legal Description	Square 2106, Lot 44
Ward, ANC	3 / 3C
Zone	R-3 - which allows row dwellings, while also allowing detached dwellings and semi-detached dwellings.
Lot Characteristics	The property is rectangular and measures 31 feet in width and 88 feet in depth. The property is bounded by 28 th Street NW to the west and a 15-foot wide, improved public alley to the east. To the north and south are adjacent lots.
Existing Development	The property is improved with a two-story semi-detached building in single-household residential use.
Adjacent Properties	The property to the south is improved with an attached building and the property to the north is improved with a semi-detached building, both are in residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is generally residential in character. To the east, fronting on Connecticut Avenue NW, are mixed-use buildings in the MU-4 zone.
Proposed Development	The Applicant is proposing to construct a second-floor addition at the rear of the property that would align with the rear wall of the house at the first floor.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing	Proposed	Relief
Height D § 303	40 ft./3 stories max.	24.5 ft.	24.5 ft.	None required
Lot Width D § 302	30 ft. min.	31 ft.	31 ft.	None required
Lot Area D § 302	3,000 sq.ft. min.	2,728 sq.ft.	2,728 sq.ft.	Existing nonconforming
Lot Occupancy D § 304	70% max.	37 %	37 %	None required
Rear Yard D § 306	20 ft. min.	18.5 ft. (one story)	18.5 ft. (two stories)	1.5 ft. requested
Front Setback D § 305	Existing range of blockface	Within range	Within range	None required
Side Yard D § 307	5 ft. min.	9.8 ft.	9.8 ft.	None required
Parking C § 701	1 space min.	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 is requesting relief from the rear yard requirement of D § 306.2.

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 is proposing to construct a rear addition at the second floor of the existing semi-detached building.

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 semi-detached building is nonconforming with respect to rear yard setback at the first level. The Applicant is proposing to construct a second-floor addition that would align with the existing rear wall of the building, which encroaches 1.5 feet in to the required rear yard.

The property at 2917 28th Street NW has constructed a similar second floor rear addition, which casts shadows on the attached building at 2919 28th Street NW. The proposed addition would follow the existing footprint of the building at the first floor and should not cause the light and air available to neighboring properties to be unduly affected.

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

The Applicant is proposing two windows on the north elevation. However, the property to the north is also a semi-detached building, with its side yard adjacent to the side yard of the subject property. The Applicant is not proposing any windows on the south elevation. The existing access to the rear yard from the first floor would remain generally unchanged. Therefore, 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, as viewed from the alley, should not substantially visually intrude upon the character, scale, and pattern of houses along the alley. The Applicant is proposing to clad the addition in siding, which is consistent with other rear additions in the area. The proposed addition should not be visible from 28th Street NW.

(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 plans, photographs, and elevations at Exhibit 1, which 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.

No special treatment is recommended.

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

The semi-detached building is currently, and would remain, in single-household residential use. Therefore, the proposed addition would not permit the introduction or expansion of a nonconforming use.

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 Applicant is proposing a second-floor rear addition that would not increase the overall height of the existing building. At 24.5 feet in height and two stories, the existing building conforms and would continue to conform to the zoning regulations.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies had not be received at the time this report was written.

VI. COMMUNITY COMMENTS TO DATE

Comments from community members had not been received at the time this report was written.

Attachment: Location Map

Location Map:

