

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: October 4, 2019

SUBJECT: BZA Case 20120, Request for special exception relief pursuant to Subtitle D § 5201.1 from D § 206.7, to allow an addition to the existing single-family dwelling.

I. OFFICE OF PLANNING RECOMMENDATION

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

- D § side yard (5 ft. required, 4 ft. existing; 4 ft. proposed).

II. LOCATION AND SITE DESCRIPTION

Address	3917 Military Road, NW
Applicants	Robert Winston Sale and Katherine Leland, owners
Legal Description	Square 1750, Lot 57
Ward, ANC	3 / 3G
Zone	R-2 - provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings.
Lot Characteristics	The rectangular lot measures 60 feet in width by 150 feet in depth with an area of 9,000 square feet. The lot is bounded by Military Road, NW to the south, a 15-foot improved public alley to the north, and adjoining lots to the east and west. There is a 15-foot building restriction line on Military Road, NW.
Existing Development	The property is improved with a two-story detached building in residential use, as well as a one-story detached garage. The Board granted relief in 1992 for the original one-story addition that encroaches on the side yard (BZA Case 15749).
Adjacent Properties	The adjoining properties at 3915 and 3921 Military Road, NW are developed with detached buildings in residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character. Properties to the south, across Military Road, NW, are in the R-1-B zone.
Proposed Development	The Applicant is proposing to construct a second-floor addition on top of the previously approved one story addition.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed¹	Relief
Height D § 303	40 ft. max.	36.9 ft.	36.9 ft.	None required
Lot Width D § 302	40 ft. min.	60 ft.	60 ft.	None required
Lot Area D § 302	4,000 sq. ft. min.	9,000 sq. ft.	9,000 sq. ft.	None required
Lot Occupancy D § 304	40% max.	22%	22%	None required
Rear Yard D § 306	20 ft. min.	62.8 ft.	62.8 ft.	None required
Front Setback D § 305	Range of existing	30.8 ft.	30.8 ft.	None required
Side Yard D § 206	8 ft. min.	4 ft. / 21.9 ft.	4 ft. / 21.9 ft.	Requested
Parking C §	1 parking space min.	2 spaces	2 spaces	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 provisions of D § 206.7, which states the following:

206.7 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).

The property has an existing 4-foot side yard at the west property line. The applicant is proposing to construct a second-floor addition that would extend, vertically, the 4-foot nonconforming side yard.

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.*

¹ Information provided by the Applicant, Exhibit 14, July 21, 2019.

The Applicant is proposing an addition to a detached building that contains one principal dwelling unit.

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 side yard at the east property line measures approximately 22 feet in width, which provides a buffer and separation between the proposed addition and the property at 3915 Military Road, NW.

An existing addition at the rear of the property encroaches on the side yard by one foot. The proposed second-floor addition, at the rear of the existing building, would extend the existing non-conforming side yard vertically, but would not increase the encroachment in to the side yard. The four-foot side yard, combined with the side yard on the property at 3921 Military Road, NW should provide adequate separation between the two buildings.

The adjoining property owners at 3915 and 3921 Military Road, NW have provided letters of support. Exhibits 18 and 17, respectively. The proposed addition should not unduly affect the light and air available to neighboring properties.

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

The generous side yard and existing trees on the east side of the property protect the privacy of use and enjoyment of the neighboring property at 3915 Military Road, NW.

The proposed second-floor addition should not negatively impact the privacy of use and enjoyment of the neighboring property because proposed window openings would not align with existing windows at 3921 Military Road, NW.

(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 not be visible from the street as it is at the rear of the existing house, but would be visible from the public alley at the rear of the property. The addition would be clad in fiber cement siding and would match the character of the existing house. The addition, together with the original building, as viewed from the alley, should not substantially visually intrude on the character, scale, and pattern of houses along the 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 provided photographs (Exhibit 5) and plans and elevations (Exhibit 3) to represent the relationship of the proposed addition to adjacent buildings and views from the public alley.

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 at this time.

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 used as a single-family residence and would continue to be used as a single-family residence, which is a permitted use in the R-2 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 existing detached building measures 36.9 feet and three stories in height, which conforms to the 40-foot and three story maximum permitted height and number of stories in the R-2 zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies had not be provided at the time this report was drafted.

VI. COMMUNITY COMMENTS TO DATE

Two letters in support were provided at Exhibits 17 and 18.

Attachment: Location Map

Location Map:

