

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** December 29, 2022

**SUBJECT:** BZA Case 20846 to permit a rear addition at 4704 46<sup>th</sup> St NW.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

Subtitle D § 5004.1 Rear Yard (Accessory building not allowed in the required rear yard)

**II. LOCATION AND SITE DESCRIPTION**

Address	4704 46 <sup>th</sup> St. NW
Applicant	Jeffrey Hains on behalf of Jeremy Pelofsky
Legal Description	Lot 17, Square 772
Ward, ANC	Ward 3, ANC 3E
Zone	R-1-B
Lot Characteristics	100 ft. x 40 ft rectangular lot with a 16 ft. alley in the rear
Existing Development	Detached single-dwelling house
Adjacent Properties	Detached single-dwelling house on each side
Surrounding Neighborhood Character	The neighborhood is primarily composed of detached single-dwelling houses.
Proposed Development	The property has a house with an accessory garage in the rear. D§5004.1 does not allow an accessory building in the rear yard by right. Currently, there is 30 ft. of rear yard between house and the garage. The proposed two-story rear addition to the house would reduce the rear yard to 14 ft. 10 in., which is less than the required 25 feet of rear yard.  Instead of requesting relief for a reduced rear yard the Applicant is requesting relief to permit the existing accessory garage to be in the required rear yard of the house, consistent with the memo from the Zoning Administrator (Exhibit 19).

### III. LOCATION MAP



### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

<b>R-1-B</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed<sup>1</sup></b>	<b>Relief</b>
Lot Area D§ 302.1	5,000 sq.ft. min.	4,000 sq.ft.	4,000 sq.ft.	Existing
Lot Width D§ 302.1	50 ft. min.	40 ft.	40 ft.	Existing
Height D§ 303	40 ft. max.	25.5 ft.	25.5 ft.	Conforming
Lot Occupancy D§ 304.1	40% max. 50% max. by Sp.Ex.	30.1%	36.2%	Conforming
Rear Yard D§ 306	25 ft. min.	58.8 ft.	45.4 ft.	Conforming
Side Yard D§ 206	8 ft. min (existing 5 ft. allowed)	5 ft.	5 ft.	Conforming
<b>Accessory Rear Yard D§ 5004.1</b>	<b>Accessory building not allowed in a required rear yard</b>	<b>Accessory building not in required rear yard</b>	<b>Accessory building in required rear yard</b>	<b>Special Exception Relief Requested</b>

<sup>1</sup> Information Provided by Applicant

## V. OFFICE OF PLANNING ANALYSIS

### SUBTITLE X § 900 General Special Exception Review

*Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The addition would not be inconsistent with the general purpose and intent of the Zoning Regulations and Maps. The R-1-B zone is intended to allow for single dwelling detached houses. The proposal would expand the living space of an existing single dwelling detached house so it would be in harmony with the purpose of the R-1-B zone.

*Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

As described below, the relief requested for the proposed addition should not have an undue impact on the use, light, air, or privacy of the neighboring properties.

### SUBTITLE D § 5201 Special Exception Relief from Certain Required Development Standards

*5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) Lot occupancy...*
- (b) Yards, including alley centerline setback; and*
- (c) Pervious Surface*

The Applicant is requesting relief to allow the existing garage within their required rear yard.

*5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The requested relief for the proposed addition should not result in an undue impact on the light and air available to neighboring properties. The addition roof would be approximately 9 ft. lower in height than the roof of either adjacent house. Any small impact on the sunlight to the rear yard of the neighbor to the north should not be to an undue level. The addition would be approximately 10 feet from the adjacent house to the north and approximately 22 feet from the adjacent house to the south so it should not significantly impact the air flow of either neighbor. The neighbor to the north has submitted a letter in support, (Exhibit 16).

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

The requested relief should not unduly compromise the privacy of use and enjoyment of the neighboring properties. One bedroom window would face the neighboring house to the

north, but this window would not be aligned with any of the neighbor's windows.

The side door and two windows on the south side wall would be approximately 22 feet away from the adjacent house to the south. The door and windows would not be aligned with this adjacent neighbor's windows so there would not be a direct view into the neighboring house.

*(c) The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage;*

The relief requested for the proposed addition should not result in a substantially visually intrusion on the character, scale, and pattern of the houses. The addition would not be visible from the street, but it would be visible for the alley. It would be over 45 feet from the alley and behind a brick wall that is topped with a wooden privacy fence so the lower half of the addition would be screened from the alley. The upper half of the addition would be visible, but the proposed brick material and shallow pitched roof would make it similar in appearance to other buildings in the immediate area.

*(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.*

The record is complete with plans and photographs.

*5201.5 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.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

The application does not include a request for height relief or lot occupancy relief.

## **VI. OTHER DISTRICT AGENCIES**

DDOT submitted a report at Exhibit 24 stating no objection to the project.

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

There is no report from ANC 3E in the record at the time this report was completed.

## **VIII. COMMUNITY COMMENTS TO DATE**

There are three letters of support from nearby neighbors (Exhibit 14-16), including a letter from the adjacent neighbor to the north (Exhibit 16).