

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Shepard Beamon, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 5, 2024

SUBJECT: BZA Case 21056: Request for special exception relief to allow a rear addition at 3615 Cumberland Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

Based on recent conversations with the Zoning Administrator regarding the interpretation of rear yard requirements, the Office of Planning (OP) does not believe that this relief is required, as the existing rear yard non-conformity is not being increased. However, this is a self-certified application and if it is determined that relief may be required, OP recommends **approval** of the following special exception pursuant to Subtitle D § 5201 and Subtitle X § 901:

- Rear Yard (Accessory Buildings), D § 5004.1(a) An accessory building is not in a required rear yard.¹

II. LOCATION AND SITE DESCRIPTION

Address	3615 Cumberland Street NW
Applicants	Martin Sullivan for Jennifer Mandel and Michael Segal
Legal Description	Lot 13; Square 1979
Ward, ANC	Ward 3; ANC 3F
Zone	R-1B/CAP
Historic Districts	N/A
Lot Characteristics	Rectangular interior lot measuring 6,024 square feet in area.
Existing Development	Two-story detached single-family dwelling with cellar and accessory building (garage).
Adjacent Properties	Detached single-family dwellings with accessory buildings to the east and west, rear public alley to the north, and frontage along Cumberland Street NW.
Surrounding Neighborhood Character	The surrounding neighborhood primarily consists of detached single-family dwellings.
Proposed Development	A one-story rear addition over the cellar.

¹ The correct relief, if it were required, may be from Rear Yard requirements of D § 207, although relief as requested would achieve the same purpose.

III. ZONING REQUIREMENTS and RELIEF REQUESTED²

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202 (302)	50 ft. min.	70 ft.	No change	None required
Lot Area D § 202 (302)	5,000 sq. ft. min.	6,024 sq. ft.	No change	None required
Height D § 203 (303)	40 ft. max.	31 ft. 2 ¾ in.	No change	None required
Front Setback D § 206 (305)	N/A	N/A	N/A	None required
Rear Yard D § 207 (306) D § 5004.1(a)	25 ft. min.; accessory building not within a required rear yard	27 ft. 9 in. to lot line; 4 ft. 6 in. from rear wall extended to accessory building	No change	Relief requested
Side Yard D § 207 (206)	8 ft. min.	E: 11.63 ft. W: 13.48 ft.	No change	None required
Lot Occupancy D § 210 (304)	40 % max. by right	28 %.	29.3 %	None required
Parking C § 701	1 space min.	1 space	No change	None required

IV. OP ANALYSIS

Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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 subject to the following table:*

TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION

Zones	Type of Structure	Maximum Percentage of Lot Occupancy (%)
All R-3 zones except R-3/GT	All Structures	70
R-3/GT	Row	
R-3/GT	Detached Semi-detached	50
All other R zones	All Structures	

(b) **Yards, including alley centerline setback; and**

² Information provided by the applicant.

(c) *Pervious surface.*

The Applicant is requesting special exception relief from the required rear yard provisions.

5201.2 & 5201.3 not relevant to this application

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 should not result in an undue impact on the light and air of neighboring properties. The proposed addition would result in a 1.3% increase in lot occupancy and would be one-story, therefore, there should not be shadows cast on either adjacent property. The addition will maintain the existing 11.7 foot side yard, which exceeds the minimum side yard requirement so there should be no significant impacts on airflow for neighboring properties.

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

While there would appear to be new windows facing the adjacent property to the east, the proposed addition will maintain the existing side yard of 11.7 feet which exceeds the minimum side yard requirement and would not jeopardize the use and enjoyment of neighboring properties.

(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; and*

The proposed addition should not alter the character, scale, and patterns of surrounding properties. The proposed addition would not be visible from Cumberland Street NW. From the rear alley, the one-story addition would be aligned with the home's existing rear and side walls and would be blocked from view from the rear alley by the existing garage.

(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 applicant provided plans and elevations (Exhibits 6 and 17A).

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 requested relief would not result in the expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

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

The requested special exception relief would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The relief would allow the construction of a new addition to the principal dwelling. The proposed addition would not increase the existing encroachment of the accessory building in the required 25-foot rear yard. It would maintain height and side yard requirements and would not exceed the maximum lot occupancy. The requested addition would maintain the overall rear yard of 27+ feet between the rear wall and the rear lot line, which meets the rear yard requirement.

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

The requested special exception relief from the use and development standard requirements should not tend to adversely affect the use of neighboring properties. The proposed dwelling is limited to one story and one corner of the principal dwelling and should not impact privacy, light, air and enjoyment for the neighboring property.

V. OTHER DISTRICT AGENCIES

DDOT has reviewed the request and has advised OP that they have no objection to the approval of the application. To date, no comments have been received from other district agencies.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 3F has not filed a memo to the record at the time OP completed this report.

VII. COMMUNITY COMMENTS

A letter of support has been submitted to the record from the adjacent property at 3609 Cumberland Street NW. (Exhibit 14)

Location Map:

