

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 30, 2014

SUBJECT: BZA Case 18843 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing detached dwelling at 5526 39th Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 405, side yard (8 feet required, 4.95 feet proposed); and
- § 2001, nonconforming structures.

II. LOCATION AND SITE DESCRIPTION:

Address:	5526 39 th Street, N.W.
Legal Description:	Square 1747, Lot 37
Ward:	3, 3G
Lot Characteristics:	The rectangular lot has an area of 4,200 square feet, with a frontage of 30 feet along 39 th Street. A 15 foot wide public alley abuts the rear of the lot, which is 30 feet wide.
Zoning:	R-2 – detached and semi detached single family dwellings.
Existing Development:	Detached dwelling, permitted in this zone.
Historic District:	N/A
Adjacent Properties:	Adjacent properties are predominantly semi-detached single family dwellings, with some detached single family dwellings. The subject property is approximately 2.5 blocks from Connecticut Avenue, which is a commercial corridor in the Chevy Chase neighborhood.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Patrick Cooke
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Proposal:	The proposal consists of a 21.5 foot by 17 foot, two story plus cellar addition (365.5 square feet) to the rear of an existing detached single family dwelling. A deck would also be constructed with this addition to replace an existing rear deck.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-2 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	30 ft.	30 ft.	None required
Lot Width (ft.) § 401	40 ft. min.	30 ft.	30 ft.	Existing nonconforming
Lot Area (sq.ft.) § 401	4,000 sq.ft. min.	4,200 sq.ft.	4,200 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	27.17%	34.16%	None required
Rear Yard (ft.) § 404	20 ft. min.	59 ft.	45.42 ft.	None required
Side Yard (ft.) § 405	8 ft. min.	4.95 ft./2.9 ft.	4.95 ft./8 ft.	Required

V. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §405, side yard, and § 2001, nonconforming structures. The existing dwelling does not conform to the current requirement for side yards, which is a minimum of eight feet. The north property line has a side yard that is 4.95 feet, and the side yard along the south property line is 2.9 feet. The proposed addition would continue to have a side yard along the north property line that would be less than five feet; however, a side yard of eight feet would be provided along the south property line.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

¹ Information provided by applicant.

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

The proposed addition would not affect the light and air available to neighboring properties. The two story, 365.5 square foot addition would make the dwelling comparable in size to other dwellings located on 39th Street, and would be providing the same setback that has been established by the existing dwelling along the north property line. A setback of eight feet would be provided along the south property line, as required by the regulations. The properties to the north of the subject lot would have a minimum separation of 20 feet between the rear of the dwellings and the proposed addition, and a separation of approximately 18 feet would be provided between the new addition and the dwelling to the south, ensuring that light and air will not be impacted by the addition.

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

The privacy of use and enjoyment of neighboring properties would not be unduly compromised. The addition would be separated from existing dwellings by the setbacks that would be provided. The applicant has indicated that the size of the proposed deck would be reduced to provide landscape that would screen outdoor activities from the property located south of the addition. Further, letters of support from adjacent property owners have been provided, verifying that the addition would not impede upon their ability to use and enjoy their properties.

(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; and*

The addition would not visually intrude upon the character, scale and pattern of houses along the street frontage, as it would be obscured by the existing dwelling. The addition would be designed to match the existing dwelling, using the same materials and windows, to ensure that it appears as a part of, rather than an extension of, the dwelling.

(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 has provided graphical representations, including a site plan, building elevations and photographs to demonstrate the relationship of the proposed addition to adjacent buildings and views from public ways.

223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The lot occupancy of all new and existing structures on the lot would be 34.16%, which is less than the 40% permitted by right.

223.4 The Board 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 Office of Planning does not recommend special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

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

The proposed use is a detached single family dwelling, which is permitted in this District.

VI. COMMUNITY COMMENTS

Several letters of support from adjoining property owners have been provided by the applicant. At its regularly scheduled meeting on September 22, 2014, ANC 3G voted to make a recommendation of approval once a letter of support is received from the property owner of 5524 39th Street, N.W. Since the ANC meeting, the applicant has continued to work with this neighbor to draft an agreement that would mitigate the impacts of the proposed deck.