

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 16, 2014

SUBJECT: BZA Case 18831 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing semi-detached dwelling at 1729 Upshur Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 405.9, side yard (8 feet required, 0 feet proposed); and
- § 2001.3, nonconforming structure.

II. LOCATION AND SITE DESCRIPTION:

Address:	1729 Upshur Street, N.W.
Legal Description:	Square 2644, Lot 67
Ward:	4, 4A
Lot Characteristics:	The rectangular lot is 4,036 square feet in area, having a frontage of 25 feet on Upshur Street. The rear of the lot is 25 feet in width and abuts a 15 foot wide public alley.
Zoning:	R-1-B – detached single family dwellings.
Existing Development:	Semi-detached dwelling, not permitted in this District. The dwelling is existing nonconforming.
Historic District:	N/A
Adjacent Properties:	Predominantly detached and semi-detached dwellings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Beth Davis
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Proposal:	The applicant proposes to construct a 9.3 foot by 6.25 foot addition that would accommodate a mud room. The addition would be located at the rear of the dwelling, attached to the existing family room. It would not provide a side yard along the east property line, where an 8 foot side yard is required. The existing dwelling does not provide a side yard along the east property line, as it shares a common wall with the adjacent property along this side. The dwelling is existing nonconforming, in that it is a semi-detached dwelling located in a District that permits only detached dwellings.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	Not provided	Not provided	None required
Lot Width (ft.) § 401	40 ft. min.	25 ft.	25 ft.	None required
Lot Area (sq.ft.) § 401	4,000 sq.ft. min.	4,037 sq.ft.	4,037 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	30.8%	32.23%	None required
Rear Yard (ft.) § 404	25 ft. min.	85 ft.	85 ft.	None required
Side Yard (ft.) § 405	8 ft. min.	5ft./0 ft.	5ft./0 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.

Semi-detached dwellings are not a permitted use in this zone; however, the dwelling was constructed in 1925, prior to the 1958 Zoning Regulations, and is existing nonconforming. The Applicant is requesting special exception relief under § 223 from the requirements of §405.9, side yard and § 2001.3, nonconforming structures.

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 addition is small, having an area of only 58 square feet. The single story mud room would be only 11 feet in height, which is just a few feet taller than the existing common fence that separates the rear yards of the semi-detached dwellings. The size and height of the addition ensure that light and air to the adjacent property will not be reduced.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. The small addition would be used as a mud room and would not be an extension of the family room use. A substantial rear yard of 85 feet has been provided, ensuring that there is sufficient distance between the addition and neighbors to the north. Further, no windows are proposed along the east building elevation, which offers additional privacy to the adjacent neighbors.

(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 proposed addition would not visually intrude upon the character, scale and pattern of houses along the street frontage. Given the small area and height that have been proposed for this addition, it would maintain a small profile behind the façade of the existing dwelling. Further, the addition would not be visible from the public alley, as it would be screened by the existing detached 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 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 32.23%, 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 a semi-detached single family dwelling, which is not permitted in this District; however, the dwelling was constructed prior to the 1958 Zoning Regulations and is existing nonconforming.

VI. COMMUNITY COMMENTS

As of the date of this writing, no comments have been received from the community. In addition, the ANC did not respond to OP's inquiry regarding the status of its recommendation.