

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: May 13, 2014

SUBJECT: BZA Case 18761 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 103 4th Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, Lot Occupancy (60% maximum, 69.4% proposed);
- § 406.1, Courts (8.67 feet required, 4.51 feet proposed)
- § 2001.3, Nonconforming Structures

The applicant has also requested relief from § 401.3, Minimum Lot Dimensions; however, OP does not believe that this relief is required given that the property is currently developed. The Zoning Administrator has determined that this regulation only applies in instances where the property is vacant.

II. LOCATION AND SITE DESCRIPTION:

Address:	103 4 th Street, N.E.
Legal Description:	Square 815, Lot 34
Ward:	6, 6C
Lot Characteristics:	The rectangular lot has an area of 1,460 square feet, with a frontage of 18.25 feet along 14 th Street. The rear property line is also 18.25 feet and is not accessible by an alley.
Zoning:	R-4 – Row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more dwellings.
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	The adjacent properties are predominantly row dwellings.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Matthew Ossolinski
Proposal:	The applicant proposes to remove an existing laundry room and covered porch at the rear of the dwelling, to construct a similarly sized single story addition with a bay window.
Relief Sought:	§ 223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	26 ft.	26 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	18.25 ft.	18.25 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,460 sq.ft.	1,460 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	68.8%	69.4%	Required
Rear Yard (ft.) § 404	20 ft. min.	21.2 ft.	21.2 ft.	None required
Side Yard (ft.) § 405	None prescribed	--	--	None required
Court § 406	8.67 ft. min.	4.51 ft. 4.97 ft.	4.51 ft. 4.97 ft.	Required None required ²

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.

Row dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the following requirements: § 403.2, lot occupancy; § 406.1, courts; and § 2001.3, nonconforming structures.

The proposal consists of the removal of an existing covered porch and laundry room currently located at the rear of the dwelling, and replacing it with a slightly larger addition that includes a bay window, measuring approximately 21 square feet. The addition would be single story, having a height of 10.42 feet. As the property is located in the Capitol Hill

¹ Information provided by applicant.

² Correspondence between the applicant and the Zoning Administrator has been provided, indicating that the Zoning Administrator will grant minor flexibility, pursuant to § 407.1, to permit a reduced open court of 4.97 feet along the south property line. The remaining open court, with a width of 4.51 feet, has been included in the request for relief.

Historic District, the applicant has coordinated with Historic Preservation regarding the review of the addition, and has indicated that there are no concerns given that the addition would not be visible from the right-of-way.

The lot is currently nonconforming in terms of lot occupancy and a court along the south property line. The lot occupancy will be increased slightly to accommodate the proposed bay window while the court will remain the same width.

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:*

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

The light and air available to neighboring properties will not be unduly affected. At approximately 21 square feet, the proposed addition is modest. The single story addition is only slightly larger than what currently stands in its place, as a bay window will extend slightly further into the rear yard. Including the bay window, the proposed addition appears to have a similar setback to the neighboring row dwelling located to the north. The rear setback would comply with the regulations, ensuring that light and air to adjacent properties is not adversely impacted. The width of the court along the south property line would not be impacted by the addition and would continue to allow the passing of light and air.

(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 proposed addition would be approximately the same size as the current structure and would not extend beyond the rear wall of the row dwelling located to the north. The court would continue to be the same width and would not compromise the privacy of the neighbor located south of the dwelling. The conforming rear yard would continue to screen the structure and would serve as a buffer from adjacent 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 4th Street frontage. The proposed addition, which is approximately the same area of the existing rear addition, would not be visible from 4th Street, as it would be concealed by the existing two story dwelling to which it would be attached. As the property does not abut an alley along the rear of the lot, the proposed addition would not be visible from other public ways.

(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, elevations and photographs, which sufficiently represent the relationship of the proposed addition or accessory structure 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 proposed lot occupancy is 69.4%, which is less than the maximum of 70% permitted with the approval of a special exception.

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 of the proposed addition.

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

The row dwelling would continue to be used as a residence, which is a permitted use in the R-4 District.

VI. COMMUNITY COMMENTS

ANC 6C will be discussing this request at its regularly scheduled meeting on May 7, 2014; however, the applicant is not aware of any opposition to the proposed addition, and has provided 21 letters of consent or support from neighbors.

Attachment: Location Map

Location Map

