

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** September 3, 2013

**SUBJECT:** BZA Case **18620** - Expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing one-family row dwelling at 2315 15<sup>th</sup> Street NW.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 403 –Lot occupancy (60% required, 63.3% existing);
- § 404 – Rear yard (15 feet required, 9 feet existing); and
- § 2001.3 Addition to an existing nonconforming structure.

**II. LOCATION AND SITE DESCRIPTION**

Address	2315 15 <sup>th</sup> Street, N.W.
Legal Description	Square 2660 , Lot 220
Ward	1 : ANC 1B
Lot Characteristics	Steeply sloping lot with no access to an alley at the rear.
Zoning	<i>R-5 B</i> – Permits matter-of-right moderate development of general residential uses, including single-family dwellings, flats, and apartment buildings.
Existing Development	2-story brick row dwelling, permitted in this zone.
Adjacent Properties	Predominantly row dwellings with some small apartment buildings. The residence fronts Meridian Hill Park across 15 <sup>th</sup> Street.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Nicolas Ferreyros
Proposal	The applicant proposes to renovate the existing residence, which would include the addition of a partial third floor with roof terrace.
Relief Sought	§ 223 - Additions to a One-Family Dwellings or Flats



**IV. ZONING REQUIREMENTS**

<b>R-5-B Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed <sup>1</sup></b>	<b>Relief</b>
Height (ft.) § 400	50 ft. max.	30.89 ft.	39.94 ft.	None required
Lot Width (ft.) § 401	N/A	20.5 ft.	20.5 ft.	None required
Lot Area (sq.ft.) § 401	None prescribed	1,025 sq.ft.	1,025 sq.ft.	None required
Lot Occupancy § 403	60 % max.	63.3 %.	63.3% (no change)	Relief required
Rear Yard (ft.) § 404	15 ft. min.	9.9 ft.	9.9 ft.	Relief required
Enlargements or additions to nonconforming structures § 2001.3	a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and	63.3%	63.3%	Relief required
	b) The addition or enlargement itself shall: <ul style="list-style-type: none"> <li>(1) Conform to use and structure requirements; and</li> <li>(2) <b>Neither increase or extend</b> any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.</li> </ul>	Residential	Residential	None required
		Lot occupancy Rear Yard (as above)	Lot occu. Rear Yard (as above)	Required as above

At OP’s request, the applicant has modified its application to the Board to request relief from § 2001.3.

**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 requirements of § 403, § 404 and from § 2001.3 because the structure does not currently conform to the maximum permitted lot occupancy as a matter-of-right.

<sup>1</sup> Information provided by applicant.

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 partial third floor addition would not adversely impact light and air to neighboring properties. It would be lower than the upper floor of the residence to the north and set back at least five feet from the front and rear edges of the existing roof. It would not expand the building's footprint. The subject addition would have an open terrace facing the street frontage. There are no at-risk windows on the property to the north.

The light and air access to the property to the south would not be affected since the addition would not extend beyond the existing footprint and is set back from the roof's edge at the rear.

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

Similarly, the privacy of use and enjoyment to the neighbor to the north would also not be unduly compromised. A portion of the addition at the north property line extends beyond the neighbor's upper floor addition (approximately 3 feet). This would enhance privacy for the neighbor's enjoyment of their deck, which aligns with the subject property's proposed deck (As shown on Page A3.03 of the applicant's plan).

There would be negligible views into the rear yards of the abutting neighbors due to the addition's setback from the roof's edge.

(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 be out of character with the prevailing height of development along the block face. The 375.42 square foot addition is set back from the west elevation, and in combination with the slope of the property restricts the sightline of the addition from the street. Therefore, the addition and the terrace would not intrude upon the neighborhood's character along the 15<sup>th</sup> Street frontage.

(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 drawings, including site plan and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways. There is no public alley accessible from the rear of the property.

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 existing lot occupancy is 63.3 percent, which is less than the maximum of 70 percent permitted in the R-5 District with 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.*

OP does not recommend any additional treatment for the protection of nearby properties.

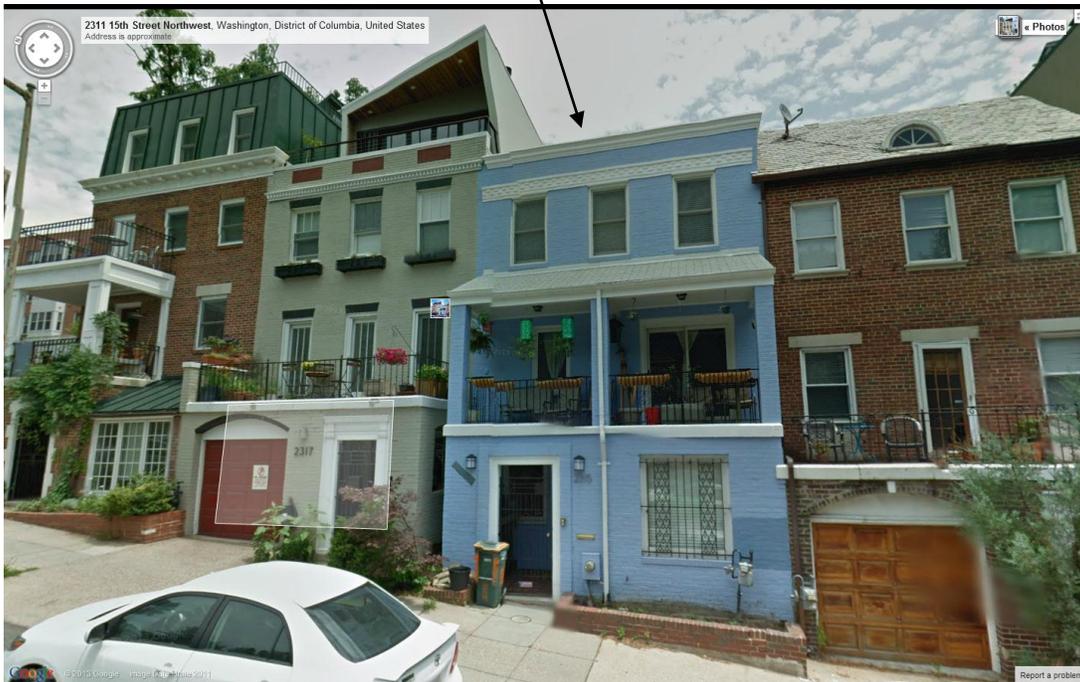
223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The proposed addition would be in conformance with the prescribed use of a single-family home in this district.

## **VI. COMMUNITY COMMENTS**

The applicant informed OP that both neighbors are in support of the addition. Signed construction notice letters, including the neighbors' signatures were submitted to the record by the applicant.

ANC 1B voted to recommend approval of the applicant's proposal at its meeting held on June 6, 2013. The ANC's report is recorded on the Office of Zoning's Form 129.



**Aerial and Zoning – 2315 15<sup>th</sup> Street NW**