

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Case Manager
JLS
 for Joel Lawson, Associate Director Development Review

DATE: December 1, 2017

SUBJECT: BZA Case 19593 (1226 North Carolina Avenue, N.E.), to enclose a portion of the rear, third floor deck.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- Subtitle C § 202.2, Additions to Nonconforming Structures; and
- Subtitle E § 304.1, Lot Occupancy (60% maximum, 70% proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1226 North Carolina Avenue, N.E.
Applicant:	Edward Griffin
Legal Description	Square 1012, Lot 4
Ward / ANC	Ward 6; ANC 6A
Zone	<u>RF-1</u> (Residential Flat Zone) provides for areas predominantly developed with attached row houses on small lots within which no more than two dwelling units are permitted.
Historic District or Resource	Capitol Hill Historic District
Lot Characteristics	The rectangular lot is 1,070 square feet in area, with 17 feet of frontage along North Carolina Avenue. The rear of the lot abuts a ten-foot-wide public alley.
Existing Development	The lot is currently developed with a three-story row dwelling having 32 feet of height. The dwelling was constructed in 1892, prior to the adoption of the 1958 Zoning Regulations, on a lot nonconforming for area and width.
Adjacent Properties	To the north, across the public alley, are row dwellings. To the east and west are additional row dwellings. To the south, across North Carolina Avenue, is Lincoln Park and a church.
Surrounding Neighborhood Character	The surrounding neighborhood character is moderate density residential, consisting predominantly of row dwellings with some apartment houses.

Proposed Development	The applicant proposes to enclose a deck located on the third floor of an existing row dwelling into livable area that would function as a study and guest room. The enclosed area would amount to 192.5 square feet, resulting in a lot occupancy on the third floor of 70%, which is slightly less than the first and second floors.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18 ft.	17 ft.	17 ft.	Existing nonconforming
Lot Area E § 201	1,800 sq. ft. min.	1,070 sq. ft.	1,070 sq. ft.	Existing nonconforming
Court E § 203	Not applicable	Not provided	No change	None required
Pervious Surface E § 204	0%	Not provided	No change	None required
Rear Wall Extension E § 206	Shall not extend farther than 10 ft. beyond rear wall of adjoining building	Not provided	No change	None required
Height E § 303	35 ft. max.	32 ft.	32 ft.	None required
Lot Occupancy E § 304	60% max.	52% (third story)	70% (third story)	Requested
Front Setback E § 305	Within range of existing front setbacks	0 ft.	0 ft.	None required
Rear Yard E § 306	20 ft. min.	13 ft.	13 ft.	Existing nonconforming

IV. OFFICE OF PLANNING ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant has requested relief from (a) lot occupancy, and (f) additions to nonconforming structures.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The proposal consists of an addition to an existing residential building, which is consistent with this provision.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect 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 proposed enclosure on the third floor would be 192.5 square feet in area, and would have a lot occupancy less than the existing first and second floors, as a three-foot wide balcony would be provided at the rear. The enclosure would result in shadowing on immediately adjacent properties; however, a sun/shadow study has not been provided. The properties to the west and east both have two-story rear additions, the roofs of which would be most impacted by any shadowing resulting from the enclosure. Overall, the impact should be minimal and not unduly affect the neighbors and the use of their property. A letter of support has been provided from the neighbor located at 1224 North Carolina Avenue, west of the subject site (Exhibit 5).

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

The proposed enclosure would result in greater privacy to adjacent neighbors, as activities that were previously conducted outdoors would now occur indoors. Windows would be located along the western elevation, adjacent to the court. The elevations do not identify windows on the eastern elevation. Given that the neighboring residences to the east and west do not have a third story at the rear of each dwelling, the proposed enclosure and windows should not compromise the use and enjoyment of those 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;*

The proposed enclosure would not be visible from North Carolina Avenue, since it would be located behind existing three-story row dwellings, and would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage. While the enclosure may be visible from the alley, it would not be out of character with existing development, and would be partly obscured by existing mature trees.

(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; and

The applicant has provided graphical representations, including plans, photographs, and elevations, sufficient to represent the relationship of the proposed enclosure to adjacent buildings and views from public ways.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The proposed lot occupancy of the third floor is 70%, which is permitted with Board approval of the requested special exception.

5201.4 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.

The Office of Planning does not suggest any special treatment of the proposed enclosure.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The proposed enclosure would not introduce or expand a nonconforming use; it would function as part of the residential dwelling, permitted in the RF-1 zone.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed enclosure would not introduce or expand nonconforming height or number of stories. The resulting height of the proposed enclosure would be 32 feet, and it would be an extension of the existing third story, which conforms to the development requirements of the Zoning Regulations.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies had not been received. DDOT has filed a report under separate cover noting that it has no objection to the requested relief (Exhibit 32).

VI. COMMUNITY COMMENTS

As of the date of this writing, comments from the ANC had not been provided to the record. The Capitol Hill Restoration Society has provided a letter of support to the record (Exhibit 34), and letters of support from the neighbors at 123 Tennessee Avenue, NE and 1224 North Carolina Avenue, NE have also been provided (Exhibit 5).

OP spoke with the neighbor at 1230 North Carolina Avenue, NE, located two properties to the east from the subject property, who was concerned about the impact that the proposed enclosure could have on light and air to their property. As of the date of this writing, this neighbor has not provided documentation to the record noting opposition or support.

Attachment: Location Map

