

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment NOV 22 PM 1:56

FROM: Arthur Jackson, Case Manager

✓ Joel Lawson, Associate Director Development Review

DATE: November 22, 2011

SUBJECT: BZA Case 18279 - request for special exception relief under § 223 to allow replacement of the existing uncovered front porch with a new covered porch at 1908 Belmont Road NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of special exception relief requested pursuant to § 223 from § 403.2 (60% lot occupancy allowed, 67% lot occupancy proposed).

On March 16, 2004, the Board of Zoning Adjustment (BZA) approved an identical relief request for the subject property under Order No. 17128. This proposal is again before the Board because building permits for the planned construction were not issued before March 22, 2006, the date the order expired.

II. LOCATION AND SITE DESCRIPTION:

Address:	1908 Belmont Road NW
Legal Description:	Square 2539 Lot 207
Ward:	1
Lot Characteristics:	An interior lot with an angled boundary along the Ingraham Street frontage and an area of 1,524 square feet (0.04 acre). Adjacent to the southern (rear) boundary is an alley 20 feet wide.
Zoning:	R-5-B – one-family row dwellings are allowed as a matter of right.
Existing Development:	The property is developed with a one-family semi-detached dwelling of two and one half stories. An uncovered front porch with steps and a patio of masonry pavers occupy the front yard between the dwelling and knee walls along the front property boundary and public right-of-way. Steps from the porch on the second (main) level of the dwelling wind down to the patio below in a <i>counter-clockwise</i> direction (refer to Figure 1).
Historic District:	Kalorama Triangle
Adjacent Properties:	A multiple-dwelling to the east along the same frontage; and similar two-and-one-half story row dwellings to west and south across Belmont Road.
Surrounding Neighborhood Character:	Moderate to medium density residential.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

EXHIBIT NO.

18279

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Board of Zoning Adjustment
District of Columbia



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CASE NO. 18279
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III. PROJECT DESCRIPTION IN BRIEF

Applicant	Kathryn Kross, owner of record.
Proposal:	To replace the existing porch and steps with a covered porch that would be 5.5 x 6.8 feet in size. A Doric portico would cover the new porch and the steps would be reconfigured to wind down to the patio below in a <i>clockwise</i> direction. With the portico addition, the subject property would match the neighboring three row dwellings to the west. Under the porch pedestal would be an opening to a new exterior doorway to the lower (basement) floor. No other exterior changes are proposed. The current lot occupancy of 65% is greater than the 60% allowed in the R-5-B district under § 403.2. Since the subject property was constructed in 1911 and predates the current Zoning Regulations, these irregularities are deemed legally nonconforming. However, the proposed porch portico would increase the current nonconforming lot occupancy from 65% to 67%.
Relief Sought:	§223 – for non-conforming lot occupancy and open courts.

IV. ZONING REQUIREMENTS

R-5-B District	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	50 feet	40.7 feet, 2.5 stories	SAME	None required
Lot Width (ft.) § 401	None prescribed	17 feet	SAME	None required
Lot Area (sq.ft.) § 401	None prescribed	1,524 sq. ft.	SAME	None required
Floor Area Ratio § 401	None prescribed	None prescribed	None prescribed	None required
Lot Occupancy § 403	60 % max.	65 %.	67 %	+ 7%
Rear Yard (ft.) § 404	15 feet min.	17.4 feet	SAME	None required
Side Yard (ft.) § 405	None required	None required	None required	None required
Court, Open § 406	4 in. / foot, min. 6 ft.	3 feet, 0.5 feet	SAME	None required ²
Parking § 2101.1	1 per 2 dwellings	0 space	0 space	None required ²

OP believes relief is also required from §§ 2001.1 (a) and (b) (2) because the proposed porch would exceed the allowable lot occupancy *and* increase an existing nonconforming aspect of the property (lot occupancy).

V. OP ANALYSIS

Consistency with § 233

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*

¹ Based on architectural plans submitted by the applicant.

² Although neither open court along the rear façade is the minimum width of 6 feet and there is no parking space onsite, no addition relief is required because the neither the courts or number of dwelling units would change under this proposal.

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 dwelling uses are permitted in this zone. The applicant is requesting special exception relief under § 223 from the requirements of §403 (lot occupancy). Granting the requested relief would also satisfy the §§2001.1 (a) and (b) (2) provisions.

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 air and light available to neighboring properties would not be impacted by the addition of a porch portico.

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

The privacy and enjoyment of neighboring properties would not be compromised. Views from the current and proposed porch would be the same.

(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 Historic Preservation Review Board (HPRB) has reviewed this proposal twice, determining both times that there would be no visual impact on the surrounding neighborhood (refer to the Agency Comments section below).

Figure 1



- (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.*

Sufficient graphical information was provided for this case.

- 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 67% lot occupancy would be less than the allowable 70%.

- 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.*

No special treatment is recommended.

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

Approval of this request would not result in the introduction or expansion of a nonconforming use on the subject property.

OP determined that this application again meets the standards for BZA approval.

VI. AGENCY COMMENTS

On September 22, 2011, the HPRB renewed the previous conceptual approval for the portico, steps and areaway. This proposal was again found to be consistent with the neighboring row dwellings and the overall character of the historic district. Approval of final architectural plans was delegated to the State Historic Preservation Office.

VII. COMMUNITY COMMENTS

To date no formal recommendation from Advisory Neighborhood Commission (ANC) 1C has been added to the case record file.