



MEMORANDUM

2011 SEP 27 PM 3: 36

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: September 27, 2011

SUBJECT: BZA Case 18280 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 for a rear addition to the existing two-story row dwelling at 630 A Street NE

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 401.1 (lot width of 18-feet required, a width of 17 feet exists); and
- § 403.2 (60% lot occupancy allowed, 64% lot occupancy proposed).

II. LOCATION AND SITE DESCRIPTION:

Address:	630 A Street NE
Legal Description:	Square 0867, Lot 0123
Ward:	6
Lot Characteristics:	Rectangular interior lot with an area of 2,317 square feet (0.05 acre) and frontages along A Street NE and a 30-foot wide public alley.
Zoning:	R-4 – detached, semi-detached one-family dwellings and flats are allowed as a matter of right.
Existing Development:	The property is developed with a two-and-one-half story row structure that is a one-family dwelling. The grassy rear yard is bordered by masonry and wooden walls. There is also 15 x 20 foot garage in the rear yard adjacent to alley (refer to Figure 1).
Historic District:	Capitol Hill
Adjacent Properties:	Two and two-and-one-half story row dwellings of similar scale.
Surrounding Neighborhood Character:	Moderate density residential.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Eric Sosnitsky, the owner of record
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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18280

EXHIBIT NO. 22

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Proposal:	To construct a one-story rear addition with a deck to the existing two-story row dwelling. The existing dwelling was constructed around 1887¹ and pre-dates the current Zoning Regulations. No changes are proposed to the existing garage. The application requests special exception relief in accordance with § 223 because the proposed dwelling and addition would occupy 64% of the lot. This would exceed the 60% lot occupancy allowed under §403. An open court along the western (side) side of the existing dwelling is 3.56-feet wide. This proposal would extend this court although it is less than the minimum six feet required under § 406.
Relief Sought:	§223 – for a non-conforming lot width, lot occupancy and open court.

III. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed ²	Relief:
Height (ft.) § 400	40 ft., 3 stories max.	Unknown	19 ft. ³	None required
Lot Width (ft.) § 401	18 ft. min.	17 ft.	SAME	-1 ft.
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	2,317 sq. ft.	SAME	None required
Floor Area Ratio § 401	None prescribed	None prescribed	None prescribed	None required
Lot Occupancy § 403	60 % max.	57 %.	64 %	+4%
Rear Yard (ft.) § 404	20 ft. min.	70 ft.	54 ft.	None required
Side Yard (ft.) § 405	None required	None required	None required	None required
Court, Open § 406, One family dwelling	4 in. / foot, min. 6 ft.	None Existing	4.3 ft.	-1.7 ft.
Parking § 2101.1	1 per dwelling	1 garage space	SAME	None required

Exceeding the existing non-conformity also renders this proposal inconsistent with the standards for additions to non-conforming uses under §§ 2001.1 (a) and (b) (2), which the §233 provisions address.

IV. 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 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.

One-family dwellings are permitted in this zone. Special exception is requested under § 223 from the requirements of § 401 (lot width), §403 (lot occupancy) and §406 (open court). Granting the listed relief would eliminate project inconsistencies with §§2001.1 (a) and (b) (2).

¹ according to a State Historic Preservation Office database

² based on architectural plans submitted by the applicant.

³ at approximately 19 feet in height, the one-story addition would not be as tall as the existing two-story dwelling

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 dwelling and proposed addition have a north-south orientation, and the one-story addition would be shorter than the adjacent two-story structures. As a result, the impact of shadows cast by the proposed addition would be minimal. The shorter addition would also not impact the air available to the neighboring properties.

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

This addition would extend the existing dwelling to a depth on the subject property that would approximately equal to the depth of the neighboring dwelling to the east (632 A Street NE).

The addition would include windows in the rear and both side facades. The rear yards of the neighboring properties would not be any more visible from the rear addition windows than from the existing dwelling. Windows in the western façade would look *across* the neighboring property toward its neighbor to the west. The overall separation from the second neighbor would be equivalent to a very generous side yard setback of approximately 17 feet.⁴

The window on the eastern addition façade would look directly into large windows on the ground floor of eastern neighbor. OP suggested that the applicant add any comments from this neighbor about this proposal into the public record.

(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*

This addition would not be visible from A Street. The State Historic Preservation Office (SHPO) reviewed the submitted plans and did not express any concern that this addition would have a negative visual impact on this neighborhood or the Capitol Hill Historic District.

Figure 1



⁴ equal to the approximate width of neighboring lot 125

- (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 64% 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.

Pending the receipt of comments from the eastern neighbor, OP determined that this application generally meets the standards for approval by the Board of Zoning Adjustment.

V. COMMUNITY COMMENTS

On September 15, 2011, Advisory Neighborhood Commission (ANC) 6C unanimously voted to support this project.