



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment **2012 JAN 31 PM 12:47**
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: January 31, 2012

SUBJECT: BZA Case 18331 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct a rear addition to an existing two-story row dwelling at 541 14th Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 401 (minimum lot width of 18 feet required, 13 feet exists);
- § 406 (minimum closed court width of 5 feet and area of 350 square feet are required, a width of 2.8 feet and 44 square feet are proposed);
- § 403 (maximum lot occupancy of 60% allowed, 69% proposed); and
- § 2001.3 (the proposed dwelling enlargement would create new nonconformities).

II. LOCATION AND SITE DESCRIPTION:

Address:	541 14 th Street SE
Legal Description:	Square 1043 , Lot 860
Ward:	6B
Lot Characteristics:	The L-shaped lot has an area of 2,110 square feet (0.05 acre). It is 13 feet wide along the 14 th Street frontage and 27 feet wide along that abutting public alley that is 25 feet wide (refer to Exhibit 1).
Zoning:	R-4
Existing Development:	A two-story row dwelling and an accessory two-car garage are both permitted in this district. Wooden stockade fences that appear seven feet tall extend along both side property boundaries.
Historic District:	None
Adjacent Properties:	Similar two-story row dwellings, some with garages in the rear yards along the alley.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Frederick Badey, owner of record
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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18331
EXHIBIT NO. 27

Board of Zoning Adjustment
District of Columbia



Proposal:	Construct a two-story rear addition that is approximately 13 x 17 feet in size. Exterior windows on the addition would only face the rear yard. The addition would increase the lot occupancy from 57% to 59% and seal an open court, creating a closed court approximately 2.8 x 16 feet.
Relief Sought:	§223 – for relief to increase the allowable lot occupancy for the proposed rear addition

IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max., 3 floors	27 ft., 2 fl.	22 ft., 2 fl.	None required
Lot Width (ft.) § 401	18 ft. min.	13-27 ft.	SAME	-5 ft.
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	2,110 sq. ft.	SAME	None required
Floor Area Ratio § 401	None prescribed	0.85	1.12	None required
Lot Occupancy § 403	60% max.	58%.	69%	+ 9%
Rear Yard (ft.) § 404	20 ft. min.	55 ft.	39 ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	SAME	None required
Closed Court § 406	5 ft. width/350 sq. ft. min.	N/A	2.8 ft. width/ 44 sq. ft.	-2.2 ft. width, 306 sq. ft.

Based on the above analysis the proposed addition also requires relief from the minimum lot width and closed court dimensions required for one-family dwellings in the R-4 district.

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.*

One family row dwellings with accessory garages are a permitted uses as a matter of right. The proposed addition requires special exception relief under § 223 from the requirements for minimum lot width (§ 401), maximum lot occupancy (§ 403) and minimum closed court dimensions (§ 406). Relief is also required from § 2001.3 because this proposal would create a new nonconformity, the above-referenced closed court.²

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 proposed addition has an east-west orientation and would not extend further than the common wall of the abutting dwelling to the south. Therefore, it does not

¹ Information provided by applicant.

² Approval of the other listed relief would resolve this inconsistency.

appear that it would unduly impact the air and light available to the neighbors.

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

The views from addition windows would be directed toward the rear yard and the alley beyond. Since there are no windows in the open side wall, the privacy of neighboring properties should not be unduly compromised.

- (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 proposed rear addition would not be visible from a public right-of-way. The front façade of the existing dwelling extends along the full length of the 14th frontage and the existing garage occupies the full length of the alley 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 submission provided sufficient information about this proposal.

- 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 69% lot occupancy is less than the 70% allowed under this provision.

- 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.*

No nonconforming use would be established under this proposal.

VI. AGENCY COMMENTS

The District Department of Transportation expressed no concern about this proposal in a memorandum dated January 19, 2012.

VII. COMMUNITY COMMENTS

The submission includes letters of support from the abutting neighbors at 531 14th Street and 543 14th Street SE (identified with asterisks in Exhibit 1).

In a memorandum dated January 11, 2012, Advisory Neighborhood Commission (ANC) 6B reported voting unanimously to support this application at a meeting on January 10, 2012.

Feet

0 20 40



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Front Dwelling Façade