



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager

Joel Lawson, Associate Director Development Review

DATE: March 27, 2012

SUBJECT: BZA Case 18332 – Special Exception Request pursuant to 11 DCMR 3104 under § 223 to construct a rear addition to an existing single-family detached dwelling at 1439 East Capitol St. SE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, Lot Occupancy (60 percent permitted, 70 percent proposed);
- § 406.1, Open Court (6 ft. required, 5 ft. proposed); and
- § 2001.3, Enlargement or Addition to a Nonconforming Structure.

II. LOCATION AND SITE DESCRIPTION

Address	1439 East Capitol Street, SE
Legal Description	Square 1058, Lot 0044
Ward/ANC	6/6B08
Lot Characteristics	Short-stemmed flag lot with alley access.
Zoning	R-4 – row houses and flats.
Historic District	N/A. The square abuts the boundaries of the Capitol Hill Historic District.
Existing Development	Single-family row dwelling, permitted in this zone.
Adjacent Properties	Single-family row dwellings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Ann Pina
Proposal	Construction of a two-story rear addition with basement to the existing residence.
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats.

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IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. and 3 stories max.	31 ft. and 2 stories	No change	None required
Lot Width § 401.3	18 ft. min.	18 ft.	No change	None required
Lot Area § 401.3	1,800 sf. min.	1,559 sf.	No change	Existing non-conformity
Lot Occupancy § 403.2	60% (935.4 sf.)	69% (1078 sf.)	70% (1091.3 sf.)	Required
Open Court § 406.1	Not less than 6 ft.	4 ft.	5 ft.	Required

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.*

Single-family row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403 and 406.1 and relief from the existing nonconforming lot occupancy per Section 2001.3.

223.2 *The 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;

Light and air to neighboring properties would not be unduly affected as the existing court to the east of the property would be maintained and increased in width at the point where the addition would attach to the existing structure. The abutting property to the east also has an open court in this area so that the minimal increase to the subject residence's footprint would not have an adverse impact on the light and air afforded to the neighbor to the east.

Similarly, the proposed addition would extend approximately two feet beyond the residential structure to the west. This extension should not cast any appreciable shadow over the abutting neighbor to the west, including during the short winter days.

Since the proposed addition would represent a minimal 1% increase to the existing footprint of the structure, negligible impact to the light and air of the abutting residences is anticipated.

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

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed rear addition would not have windows where the addition extends 5' 8" beyond the party wall to the west. Similarly, no windows have been included where the addition extends on the east side in the area of the court yard. The property is currently screened by privacy fences on both property lines and they would remain after the renovation is completed. The abutting neighbors were informed about the proposal. The neighbor to the east (1441 East Capitol Street) has signed a letter in support of the addition.

- (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 addition would not substantially visually intrude upon the character, scale and pattern of houses. The addition would be similar to other rear additions within the square. It would be minimally visible from the public alley to the south, as an existing large shade tree within the rear yard would partially block the view of the addition from the alley particularly during the spring and summer months.

- (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 photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

- 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 lot occupancy is 70 percent, which is the maximum permitted within the R-4 district.

- 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 makes no recommendations for special treatments.

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

The subject application would not result in the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS/ANC

ANC 6, at its regularly scheduled meeting of January 3rd, 2012, voted to support the application. The applicant indicated to OP that the adjacent neighbors are in support of the proposal.

VII. AGENCY COMMENTS

The District Department of Transportation (DDOT) informed OP that it had no comments.

VIII. RECOMMENDATION

The Office of Planning **recommends approval** of the special exception relief to construct a rear addition to an existing single-family row dwelling, not meeting the lot area, lot occupancy, and open court requirements of the R-4 District.

Attachment



1439 East Capitol St, SE

Zoning and Vicinity Map