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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: April 10, 2012

SUBJECT: BZA Case 18337 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 122 Rhode Island Avenue, N.W.

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, 66.7 percent feet proposed).

OP also notes that the subject property is nonconforming for lot area (1,800 square feet required; 1,280 provided).

II. LOCATION AND SITE DESCRIPTION

Address	122 Rhode Island Avenue, N.W.
Legal Description	Square 3109, Lot 35
Ward	5
Lot Characteristics	Unusually shaped lot with no alley access
Zoning	R-4 – row dwellings
Existing Development	Row dwelling, permitted in this zone
Adjacent Properties	Row dwellings
Surrounding Neighborhood Character	Residential neighborhood with neighborhood serving retail

III. PROJECT DESCRIPTION IN BRIEF

Applicants	Casey Torgusson and Jason Cornelius
Proposal	Construction of a rear addition
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats

The applicant proposes to remove a deck extending out from the main level of the dwelling and replace it with a two-story building addition within the footprint of the deck as a part of the renovation of the house. No other construction is proposed.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18337
EXHIBIT NO. 26



IV. ZONING REQUIREMENTS

Zone R-4	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	28 ft.	28 ft.	None required
Lot Width § 401	18 ft. min.	21 ft.	21 ft.	None required
Lot Area § 401	1,800 SF min.	1,280 SF	1,280 SF	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max. 70% with SE	54% (66.7% with ex. deck)	66.7%	Required
Rear Yard § 404	20 ft. min.	23 ft.	23 ft.	None 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.*

Row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §403, Lot Occupancy.

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 would not block windows on either of the neighboring row houses. Therefore, light and air available to neighboring properties would not be unduly affected.

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

The proposed addition would align the rear wall of the subject property with the rear walls of the adjoining properties to either side. Proposed windows and doors would face into the subject property's rear yard only. Therefore, privacy of use and enjoyment of neighboring properties would 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 addition would not be visible from any public way.

(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 subject application included plans, photographs and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings.

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 66.7 percent, less than the 70 percent permitted within the R-4.

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.*

The Office of Planning makes no recommendations for special treatment.

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

No comments were received from ANC 5C.

The Bloomingdale Civic Association, Inc. submitted a letter to the file in support of the application.

Five neighborhood residents submitted letters to the file in support of the application, including the adjacent property owners to the east and west.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No other District agencies commented on the application.

Attachment: Location Map

