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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review
DATE: April 24, 2012
SUBJECT: BZA Case 18340 – 2312 First Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of special exception review pursuant to 11 DCMR § 3104.1 and § 223.1 to allow Eugene Duda (applicant) to construct an addition to a structure that is non-conforming in the areas of lot area, lot width, lot occupancy, rear yard, and open court. The proposal would increase the lot occupancy (§ 403.2) of the second floor from 53.9% to 69.8%.

II. LOCATION AND SITE DESCRIPTION

Address	2312 First Street, NW
Legal Description	Square 3125, Lot 0071
Ward/ANC	5/ANC-5C
Lot Characteristics	Rectangular shaped lot with an area of 1,632.6 square feet. The lot fronts on First Street, NW and a 12.5-foot wide alley to the rear.
Zoning	R-4 – detached single family dwellings.
Existing Development	3-story plus basement, attached, single-family dwelling.
Adjacent Properties	Predominantly single-family attached dwellings.

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to renovate the existing house and make a 135 square feet addition to the second floor to accommodate a bedroom. The addition would allow the second floor to have similar lot occupancy to the first floor.



Aerial Photograph



Site Location and Zoning

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18340
EXHIBIT NO. 28



IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Area (sq. ft.) § 401.3	1,800 sf. min.	1,632.6 sf.	1,632.6 sf.	Existing nonconformity
Lot Width (ft.) § 401.3	18 ft. min.	17.65ft.	17.65ft.	Existing nonconformity
Height (ft.) § 400.1	40 ft. max.	30 ft.	30 ft.	None required
Lot Occupancy § 403.2 and § 233.3	70 % max.	69.8 % 53.9% (second floor)	69.8 %	Relief Required
Rear Yard (ft.) § 404.1	20 ft. min.	15 ft.	15 ft.	Existing nonconformity ¹
Open Court Width § 406.1	6 ft.	4.15 ft.	4.15 ft.	Existing nonconformity

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 attached dwellings are a permitted use in this zone. The applicant is requesting special exception review under § 223 from the requirements of § 403.2, lot occupancy and § 2001.3, additions to non-conforming structures. The structure is nonconforming in the areas of lot area, lot width, lot occupancy, rear yard, and open court. The ground floor of the structure has lot occupancy of 69.8% while the second floor has a lot occupancy of 58.9%. The proposed addition on the second floor would be extended to match the ground floor coverage of 69.8%. The other non-conformities would not be changed.

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;

The proposed 10-foot, second floor, rear addition would be over the existing ground floor footprint, which already extends beyond neighboring property. It is not anticipated that the addition would have an undue effect by blocking the light and air to neighboring properties.

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

The proposed addition will have windows on the northern and southern sides; but they are sited to minimize views into adjacent residence windows. Therefore, the privacy of the neighbors should not be unduly compromised or eroded from what currently exists today.

¹ Section 404.4 allows extensions to a building within a rear yard area provided the footprint is not expanded, as is the case on this lot.

- (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 addition would not be visible from First Street and would not substantially intrude or appear out of character or scale with the pattern of houses as viewed from the alley at the rear as a number of houses have similar or larger additions.

- (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 provided graphical representations including plans and photographs in support of the application.

- 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 existing lot occupancy at 69.8% on the site would be retained with the addition and would remain within the permitted maximum lot occupancy of 70% permitted by special exception review pursuant to § 223 for row dwellings in 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 does not suggest any other special treatment for this addition.

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

The current residential use is permitted in the R-4 district and the addition will maintain this use.

VI. COMMUNITY COMMENTS

The property is within ANC-5C. The ANC is scheduled to review the application at its April 23, 2012 meeting. The applicant has submitted letters of support from a number of community members including adjacent neighbors.

VII. CONCLUSION

The application has presented information that demonstrates that the proposed second floor addition would not substantially impact the access to light and air and the maintenance of privacy of adjacent residences would not be adversely affected. OP therefore recommends approval of the requested special exception.

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