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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: July 24, 2012

SUBJECT: BZA Case 18424 expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing one-family semi-detached dwelling at 124 4th Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Lot Occupancy (40 percent permitted, 70 percent by special exception, 65 percent proposed).

OP notes that the application is scheduled for expedited review at a public meeting before the Board, and that the ANC and several community members have submitted letters to the file in opposition to the application and the expedited review.

II. LOCATION AND SITE DESCRIPTION

Address	124 4 th Street, N.E.
Legal Description	Square 785, Lot 826
Ward	6
Lot Characteristics	Rectangular level lot
Zoning	R-4- one-family row dwellings and flats
Existing Development	One-family semi-detached dwelling, permitted in this zone.
Historic District	Capitol Hill
Adjacent Properties	Predominantly semi-detached and row dwellings

III. PROJECT DESCRIPTION IN BRIEF

Applicant	David H. Martin .
Proposal	Two-story rear addition
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. max.	21 ft.	21 ft.	None required
Lot Width § 401	20 ft. min.	20 ft.	20 ft.	None required
Lot Area § 401	SF min.	1,600SF	1,600 SF	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	40 % max.	60 %	65 %	Required
Rear Yard § 404	20 ft. min.	35.5 ft.	23.5ft.	None required
Side Yard § 405	8 ft. min.	3.5 ft.	3.5 ft. (existing) 8 ft. (addition)	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.*

Semi-detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 403.

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 extend along the northern side lot line, along which no side yard is required, and extend to a height of 21 feet, less than the maximum forty-foot building height permitted. A rear yard of 23.5 feet would be provided, in excess of the minimum twenty feet required. Although the addition would exceed the maximum lot occupancy permitted for a semi-detached dwelling in the R-4, it would conform to all other bulk regulations, minimizing the impact this addition would have on neighboring properties.

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

Privacy of use and enjoyment of neighboring properties would not be unduly compromised. No windows would be provided along the party wall line to the north, adjacent to the rear yards of row houses fronting on Constitution Avenue. The southern side lot yard and the rear yard would also be provided as required.

(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 visually intrude upon the character, scale and pattern of houses as viewed from the public way because it 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.*

Plans, photographs, elevation and section drawings were submitted as a part 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 application proposes a lot occupancy of 65 percent, less than the maximum 70 percent permitted 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.*

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.

The subject property is located within the Capitol Hill Historic District. Neither the Historic Preservation Office nor the Historic Preservation Review Board (HPRB) has reviewed the subject application.

VI. COMMUNITY COMMENTS

ANC 6C, at its regularly scheduled meeting of July 11, 2012, voted in opposition to the application and the expedited review.

One letter was submitted to the file in support of the application.

Three letters were submitted to the file in opposition to the application and the expedited review.

