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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 20, 2012

SUBJECT: BZA Case 18450 - request for special exception relief under § 223 to construct an addition to an existing rowhouse dwelling at 426 11th Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 406.1 Court (6 ft. required, 2-3 feet existing, 2-3 ft. proposed); and
- § 2001.3 (Non-conforming Structure).

II. LOCATION AND SITE DESCRIPTION:

Address:	426 11 th Street SE
Legal Description:	Square 992, Lot 806
Ward:	6
Lot Characteristics:	The lot is rectangular
Zoning:	R-4 (single-family residential uses, including detached, semi-detached, row dwellings, and flats)
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	The adjacent properties include two and three story row dwellings. A 30 ft. public alley is located to the rear.
Surrounding Neighborhood Character:	Predominantly low-density residential.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Karl and Julie Moeller
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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18450

EXHIBIT NO. 30



Proposal:	The applicant proposes to construct a third story addition, with a roof deck, above an existing two story row dwelling. The proposed addition would extend the nonconforming open courts on either side of the house (the existing nonconforming open court on the north side is 3.0' wide and the existing nonconforming open court on the south side is 2.0' wide).
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	50 ft. max.	25.25 ft.	40 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	23 ft.	23 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	2,162 sq. ft.	2,162 sq. ft	None required
Floor Area Ratio § 401	None prescribed	.88	1.15	None required
Lot Occupancy § 403	60% max.	56.7%	56.7%	None required
Rear Yard (ft.) § 404	20 ft. min.	24.33 ft.	24.33 ft.	None required
Court § 406	6 ft. min.	2-3 ft.	2-3 ft.	Relief required

¹ Information provided by applicant.

IV. IMAGES AND MAPS



Figure 1: Subject Property

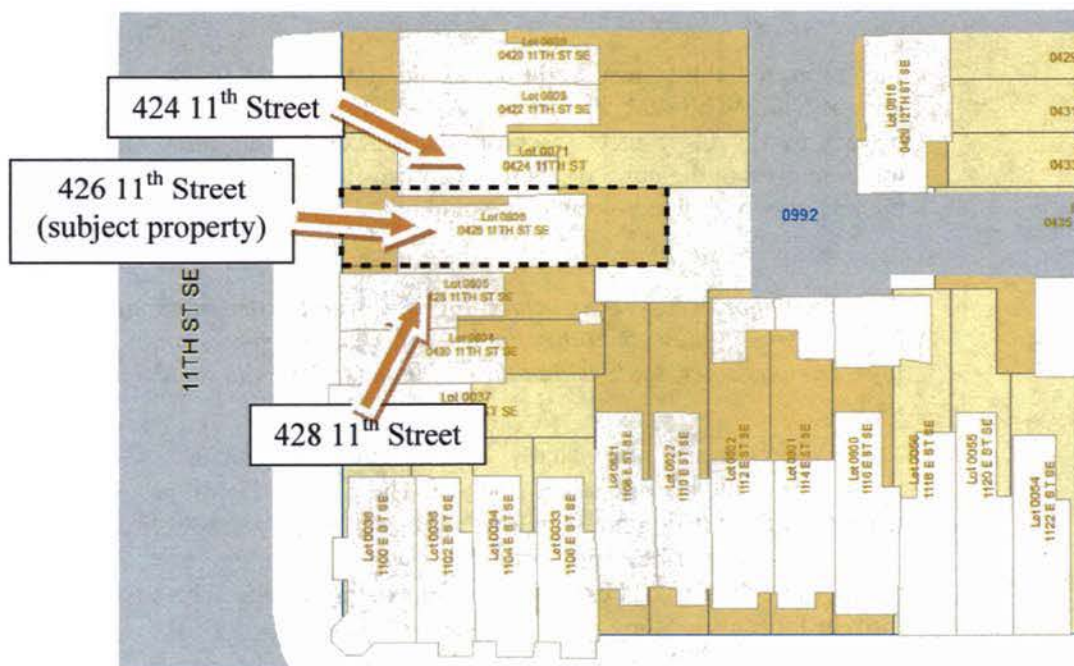


Figure 2: Subject Property

VI. 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.*

The proposal would add a third floor addition to an existing single-family residence that is not in compliance with § 406.1 (open court).

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 light and air of neighboring properties should not be unduly impacted by the proposed addition. The proposed addition would follow the footprint of the existing house. The subject property has an east/west orientation and the property to the north (424 11th Street) is separated from the subject property by a 3 ft. wide court. 424 11th Street does not include windows facing the subject property's court. The property to the south (428 11th Street) is not setback from 11th Street to the same extent as the subject property; so, the proposed addition should not cause an undue impact. The proposed structure should not unduly impact the properties to the east, across the alley.

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

The proposed third story addition would not include windows along the shared property line with 424 11th Street. An existing fence would continue to provide privacy to 424 11th Street. The proposed roof deck would not allow for views onto the properties to the north or south. The third floor sitting room and roof deck would include only high windows which would not allow for views of 428 11th Street.

(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 visually intrude upon the character, scale and pattern of houses along the historic street frontage. The proposed addition would be located to the rear of the existing house and would be set back over 20 ft. from 11th Street. The addition would not be visible from 11th Street. The addition would be visible from the rear alley but would extend from the existing façade. The addition would match the rear façade's existing materials.

- (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.*

Sufficient graphical documentation was provided by the applicant.

- 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 resulting lot occupancy would remain at 56.7% and would not exceed the 70% 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.*

No special treatment is proposed by OP.

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

VII. COMMUNITY COMMENTS

The applicant received seven letters of support from neighbors in the immediate vicinity and two letters in opposition from the adjacent neighbors.

ANC 6B has not voted on this matter as of this writing.