**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: October 16, 2012

SUBJECT: **BZA Case 18462** - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct additions to an existing row dwelling at 13 15th Street SE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) supports **approval** of special exception relief pursuant to § 223 from:

- § 403 (maximum lot occupancy of 60% allowed, 70% is proposed); and
- § 404 (minimum rear yard setback of 20 feet required, 17 feet is proposed).

Relief requested from § 401.3 for non-conforming lot width and lot area that currently exist does *not* appear necessary per § 401.1 of the Zoning Regulations.

II. LOCATION AND SITE DESCRIPTION:

Address:	13 15 th Street SE
Legal Description:	Square 1058, Lot 0047
Ward:	6B
Lot Characteristics:	A rectangular interior lot with an area of 1,152 square feet (0.03 acre) with direct access to the rear alley (refer to Figure 2).
Zoning:	R-4 - row dwellings are allowed in this district
Existing Development:	According to the 1998 Experian District of Columbia Assessment Directory, this row dwelling dates from 1900. The existing dwelling has been a flat use since 2003 according to the Certificate of Occupancy in the application. One unit occupies the first floor and the second unit in on the second floor. The dwelling and its non-conforming open court currently occupy 68% of the lot. The parking pad in the rear yard is surrounded by a gated wooden fence.
Historic District:	None
Adjacent Properties:	A variety of two- to three-story row dwellings on the square and the three-story Center City Public Charter School across 15 th Street.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Karen Sayre, the owner of record
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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18462EXHIBIT NO. 2.3

Board of Zoning Adjustment



Suite E650 – 1100 4th Street SW Washington, D.C. 20024 phone: 202-442-7600 fax: 202-535-2497
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District of Columbia
CASA NO. 18462
EXHIBIT NO. 2.3

Proposal:	To construct a third floor addition and elevated deck on top of the existing second story and install a circular stair that would extend <i>from the second floor into the rear yard</i>. Submitted plans indicate that the addition would be clad in metal standing-seam roof panels painted silvery-gray and the front dwelling façade would go from cream to dark (forest) green in color. A sun screen above the window on the front addition façade would mimic the existing roof projection over the ground floor window bay and entrance. The elevated deck would extend from the northwest corner of the rear addition façade 13.8 feet. No other exterior changes were proposed. The application originally indicated that this proposal would increase the existing dwelling height from 26.4 feet to 35 feet <i>but not change the existing lot occupancy</i>. However, in response to an inquiry from the Office of Planning (OP), the Zoning Administrator determined that the circular stair should be included in the building area calculation. The applicant subsequently submitted a revised zoning computation with the application supplement dated October 8, 2012, <i>indicating that the lot occupancy would increase from 68% to 70%</i>.
Relief Sought:	§223 – the application supplement requested relief for the existing non-conforming lot area and lot width, to increase the current non-conforming lot occupancy and to encroach into the required rear yard setback.

IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max., 3 floors	26.4 feet, 2 fl.	35 feet, 3 fl.	None required
Lot Width (ft.) § 401	18 feet min.	16 feet	SAME	None required
Lot Area (sq. ft.) § 401	1,800 sq. ft. min.	1,152 sq. ft.	SAME	None required
Lot Occupancy § 403	60% max.	68%	70% ²	+ 10%
Rear Yard (ft.) § 404	20 feet min.	23.2 feet	17.3 feet ²	-2.7 feet
Open Court § 406	4 inch / height foot, min. 6 feet	4.3 feet	8.5 feet (deck) (7.6 ft. required) ³	None required
Parking § 2101.1	1 space min.	1 space	SAME	None required

The open court created by the 3rd floor additions would be 7.5 feet wide which would exceed the minimum width of 6 feet required under § 406.1. In accordance with § 401.1, relief is not required from § 401.3 for the non-conforming lot width and lot area because:

- the existing dwelling predates the current Zoning Regulations; and
- the requested approval of special exception relief in accordance with § 223 would make the existing and proposed lot occupancy compliant.

Based on this review, relief is only required from §§ 403 (lot occupancy) and 404 (rear yard setback).

¹ Information provided by applicant.

² The revised figures take into account the circular exterior stair proposed in the rear yard.

³ Required open court width = 4 inches x 23 feet (height from ground to the deck floor)

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.*

One family row dwellings are permitted as a matter of right in R-4. Special exception relief under § 223 is required from the maximum allowable lot occupancy (§ 403) and the required rear yard setback (§ 404).

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 third floor additions would have the same east-west orientation as the dwelling. The shadow study submitted with the original application indicates that addition shadows would primary fall on the neighboring dwelling roof. Therefore, the air and light available to the neighbors would not unduly impact.

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

Views from the addition windows and the deck would primarily be across 15th Street and toward the rear yard and the alley beyond. As a result, the privacy of neighboring properties should 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 resulting building height of 35 feet would be similar to the neighboring three-story dwelling located two-lots north at the end of this row of dwellings. While the proposed addition would not substantially intrude on the scale and pattern of the neighborhood, the proposed dark green dwelling façade and silvery metal finish of the addition could be out of character with other dwellings along this square.

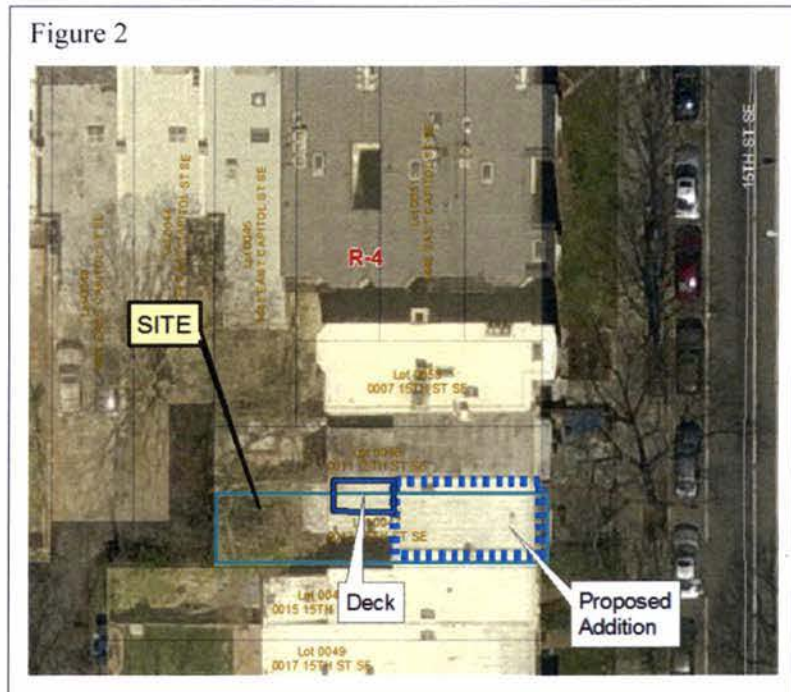
The applicant responded that the dark metal panels would articulate the roof addition from the existing dwelling.

Figure 1



The existing façade is now a cream color.

- (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 information provided in the two submissions was sufficient.

- 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 70% lot occupancy equals the limit allowed under this provision.

- 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 suggested modifying the proposed color selection and possibly the building materials to better reflect the character of neighboring dwellings.

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

No nonconforming use would be established under this proposal.

Based on this analysis, this application generally meets the standards for special exception approval.

VI. AGENCY COMMENTS

The District Department of Transportation did not object to approval of the requested special exception in its memorandum to the Board of Zoning Adjustment dated September 11, 2012.

VII. COMMUNITY COMMENTS

Letters of support from the owners of neighboring properties located at 11 and 15 15th Street SE were provided with the original application.

During its regular scheduled meeting on October 9, 2012, Advisory Neighborhood Commission (ANC) 6B voted unanimously to support this request.