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MEMORANDUM

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

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18481
EXHIBIT NO. 28

SUBJECT: BZA Case 18481 - expedited request pursuant to § 3118 for special exception relief under § 223 to construct an addition to an existing semi-detached dwelling at 1400 Montello Avenue NE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403 (maximum lot occupancy of 40% allowed, 58% is proposed);
- § 406 (minimum open court of 6' required, 2'10" is proposed)¹; and
- § 2001.3 (expansion to a non-conforming structure).

While the Applicant also requested relief from § 401.3 for non-conforming lot area (the lot is 2,970 square feet where 3,000 square feet minimum is required), the Zoning Administrator generally has determined that such relief is not necessary because the substandard lot size is an existing condition.

OP also notes it has not received any submissions from the ANC or neighbors at the date of this report.

II. AREA AND SITE DESCRIPTION

Address:	1400 Montello Avenue NE
Legal Description:	Square 4059, Lot 29 (the "Property")
Ward:	5B
Lot Characteristics:	The Property is rectangular in shape and measures approximately 33' in width and 90' in depth. It is 2,970 square feet in land area. The Property abuts a 16' wide public alley along its western lot line.
Zoning:	R-4: Row dwellings and flats
Existing Development:	There is an existing two-story semi-detached dwelling and a rear detached private garage.
Historic District:	N/A
Adjacent Properties:	The Property abuts a two-story row dwelling to the north. Across Oates Street to the south and Montello Avenue to the east are residential dwellings. To the west of the Property, across the public alley, are two-story residential dwellings.

¹ While the original application indicated that the open court would be 2.4' in width, after further review the Applicant now indicates that the open court width would be 2'10".



Surrounding Neighborhood Character:	The Square, and the neighborhood more generally, is largely characterized by row dwellings zoned R-4. One block to the west of the Property, across West Virginia Avenue NE, is Gallaudet University.
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III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Christian Creech
Proposal:	The Applicant requests a special exception to accommodate a partly completed two-story rear addition to an existing semi-detached dwelling. According to the application, the Applicant began to replace an earlier two-story rear addition (likely post-1958), but construction was stopped when it was discovered that zoning relief was needed. The new addition would not extend the building's footprint, although the second floor would be expanded from what previously existed on both the north and south side at the rear of the dwelling. It also appears that the addition would be slightly taller than the earlier addition. The Applicant indicates that the addition would measure approximately 275 square feet and would rise between 27.5' and 29.5' due to the sloping roof. The site's lot occupancy would be 58%.
Relief sought:	Special exception pursuant to § 223

IV. IMAGES AND MAPS



Aerial view of the subject site (outlined)



View of the southwest sides of the site looking east toward Montello Avenue. Source: Google Maps 2009.



Current view of the south/west sides with partly completed addition. Source: OP.

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 uses are a permitted use in the subject zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403, 406, and 2001.3. The Applicant also requested relief from § 401.3, which is an existing condition which would not change pursuant to the proposal.

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 application proposes to complete a partly constructed two-story addition at the rear of the existing semi-detached dwelling. The addition generally would replace an earlier addition in the same location while also adding additional space on the second floor. The addition would rise as high as 29.5' in height, which is generally in line with the building's current height. The addition would be separated from the most impacted neighbor to the north by a 2'10" wide court, which the application indicates is generally consistent with the past condition (at least at the ground level). The Applicant provided OP with the picture below to demonstrate the relationship between the addition and the northern neighbor. OP does not anticipate that the addition would cause an undue impact on the neighbor's light and air.



View of the rear of subject property (1400 Montello Ave) and the adjacent neighbor to the north (1402 Montello Ave). Photo provided by Applicant.

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

The addition would not include any windows on the addition's north side, and the addition is a considerable distance away from other neighboring properties. OP does not anticipate that the privacy of use and enjoyment of neighboring properties would 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, as viewed from the street, would be consistent with the existing architectural style of the dwelling and would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage.

- (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 submitted plans and photographs to represent the relationship of the proposed addition to adjacent buildings and from public ways.

- 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 measures 58%, which is permitted by special exception in the subject R-4 zone.

- 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 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.*

Granting this request would not result in the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS/ANC

To date, OP has not received submissions from ANC 5B or neighbors.