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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: July 2, 2013
SUBJECT: BZA Case 18581 - Request for special exception relief under § 223 to construct an addition to an existing row dwelling at 14 5th Street 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 60% allowed, 70% is proposed); and
- § 404 (minimum rear yard of 20' required, 9' is proposed).

II. AREA AND SITE DESCRIPTION

Address:	14 5 th Street NE
Legal Description:	Square 816, Lot 839 (the "Property")
Ward:	6
Lot Characteristics:	The Property is rectangular in shape and measures 20' in width and approximately 95' in depth. It has 1,902 square feet of land area. The Property abuts a 10' wide public alley along its western lot line.
Zoning:	Cap/R-4: Cap: Capitol Interest Overlay District R-4: Row dwellings and flats
Existing Development:	There is an existing single family two-story row dwelling and a rear detached private garage.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	The Property abuts two-story row dwellings to the north and south. Across 5 th Street to the east is a surface parking lot accessory to a church. To the west of the Property, across a public alley, are rear yards of row dwellings.
Surrounding Neighborhood Character:	The Square, and the neighborhood more generally, is largely characterized by row dwellings zoned R-4. Approximately 3 blocks to the Property's west is the United States Supreme Court.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Jason Maroney
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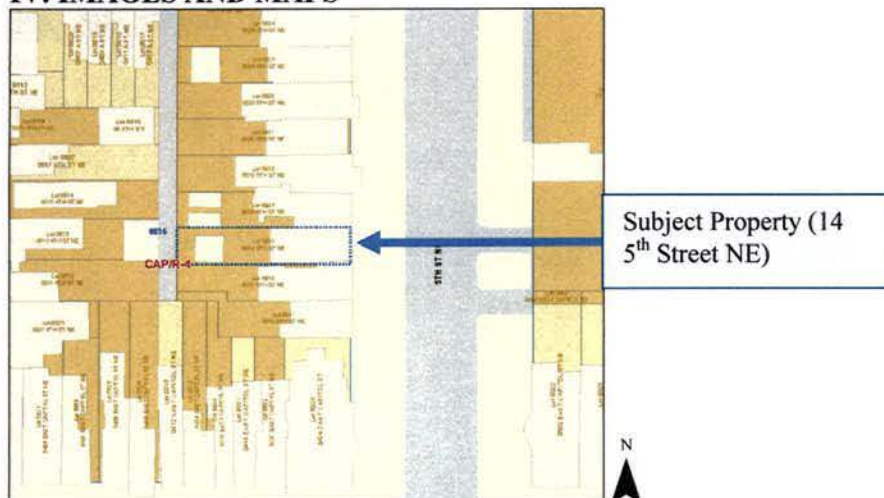
BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18581
EXHIBIT NO. 29



Proposal:	The Applicant proposes to construct a two-story rear addition connected to the existing row dwelling via a ground level breezeway. An existing one-story detached garage on the site would be removed in association with the project. The new addition would include a living area, loft, and a powder room, rise approximately 20' in height, and measure approximately 790 square feet in size. ¹ The breezeway, which is identified in the plans as a wood trellis, would be approximately 8'1" in height and 3'6" in width. The Applicant has indicated that the breezeway design would meet DCRA standards for a sufficient meaningful connection between the structures, a feature which would be scrutinized at the time of permitting. Should the addition be a considered a separate accessory structure, then additional zoning relief could be required. The proposal would increase the site's lot occupancy from 55% to 70%, and the rear yard would be reduced from 11.8' to 9'.
Relief sought:	Special exception pursuant to § 223 for non-conformity to §§ 403 and 404.

IV. IMAGES AND MAPS



Aerial view of the subject site (highlighted)



View of the west side of the site (identified) looking east toward 5th Street.

¹ OP notes that flats are a permitted use in R-4 zones.

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 and flat uses are permitted uses in the subject zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403 and 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 application would construct a two-story addition behind an existing single family row dwelling. The addition would be separated from the existing dwelling by 24', connected by a breezeway along the Property's south side adjacent to patio space. The restrained addition and breezeway heights should not unduly impact neighbors, a finding reinforced by letters of support from, among others, abutting neighbors to the Property's north and south.

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

The addition would have no windows on the north or south sides, and it would be located a considerable distance from properties across the alley. The three closest property owners to the west of the alley (facing 4th Street) signed letters in support of the application. 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 alley, 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. The Applicant has discussed the design with the Historic Preservation Office (HPO).

- (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 would be 70%, which is permitted by special exception in the subject R-4 zone.²

- 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, letters from five neighbors expressing support for the application, including the two abutting neighbors, have been submitted. OP has not yet received any submission from ANC 6C.

VII. HISTORIC PRESERVATION

The Applicant has consulted with HPO regarding the project. HPO has informally indicated to OP that it has no concerns with the massing of the proposal, but that further discussion may occur with the Applicant regarding minor project features such as the chosen materials and window design. OP does not anticipate any project changes in response to historic preservation review that could impact the requested zoning relief.

² The Applicant indicated that the breezeway was included in the proposed lot occupancy calculation.