

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: September 29, 2015

SUBJECT: BZA Case 18640A – modification of request for special exception relief under § 223 to construct additions to an existing row dwelling at 761 10th Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following modification to the Applicant's previously approved request in BZA case 18640:

- § 403 (maximum lot occupancy of 60% allowed, 70% was approved and is proposed); and
- § 404 (minimum rear yard of 20' required, 0' was approved and is proposed).

The proposed modification would not change the degree of relief granted by the Board in 18640, but would pertain to the placement of the trellis, style of windows, and use of materials.

II. LOCATION AND SITE DESCRIPTION

Address	761 10th Street SE
Legal Description	Square 950, Lot 94 (the "Property")
Applicant	Barry Jackson (the "Applicant")
Ward	6/6B
Lot Characteristics	The Property is irregular in shape and measures 40' in width and approximately 100' in depth. It has 3,705 square feet of land area. The Property abuts 30' and 29' wide segments of a public alley to the west.
Zoning	R-4: Row dwellings and flats
Existing Development	There is an existing single family two-story row dwelling and a rear detached one-story private garage. The subject dwelling is fairly atypical in how it reflects a past consolidation of two separate dwellings. The dwelling still projects as two houses as viewed from 10th Street.
Historic District	Capitol Hill Historic District

Adjacent Properties	The Property abuts a two-story row dwelling (flat) to the north and a two-story semi-detached dwelling to the south. To the east, across 10th Street, is an elementary school and recreation field. To the west, across the public alley, is the rear yard of a garden apartment building.
Surrounding Neighborhood Character	The Square, and the neighborhood more generally, is largely characterized by row dwellings zoned R-4. Other prominent uses include public schools (to the east of the Square), the Marine Barracks (to the west of the Square), and the I-695 elevated highway (to the south of the Square).

III. APPLICATION IN BRIEF

Original Application (BZA 18640)

The Applicant's previous proposal was approved by the BZA with its Order of December 17, 2013. The Applicant proposed the following additions to an existing two-story row dwelling:

First, a two-story addition, with a cellar and roof deck, would be constructed at the rear of the house. The addition would be 23' tall (with a 3' parapet for a southern portion of the addition) and generally align with the height of the existing dwelling. The addition would extend approximately 20' deep into the rear yard – while replacing some of the existing dwelling – and span the width of the lot. A rear covered porch would abut the dwelling to the north on the second floor, and a circular staircase would lead to a roof deck above the second floor on the Property's south side.

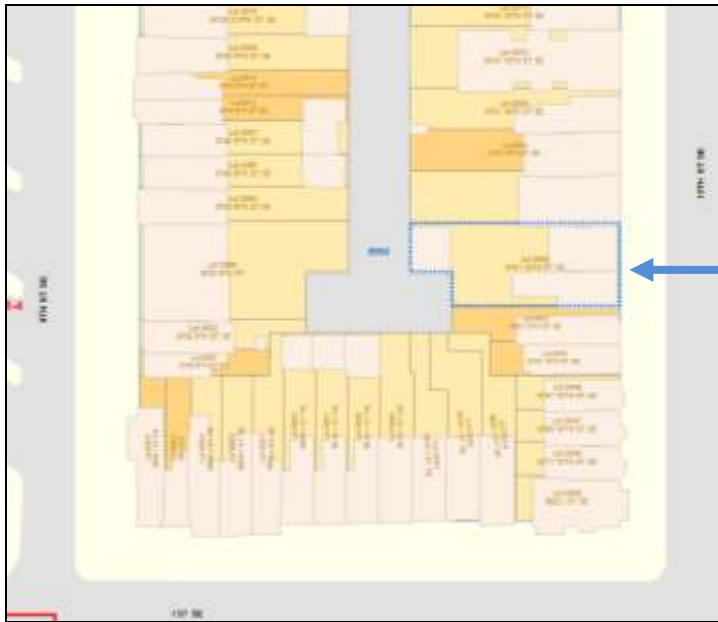
Second, an existing one-story detached garage would be replaced with a two-story addition, rising approximately 20 feet in height, connected to the existing dwelling via a ground level covered walkway spanning the south side of the Property. It would accommodate two cars on the ground level and a fully conditioned second floor, including a bathroom and kitchenette. The Applicant indicated that the covered walkway would be 30 inches wide and 8 feet tall, and connect from the back door on the south side of the main level of the main house to the entry door to the garage at the ground level. The Applicant expressed that the covered walkway design would meet DCRA standards for a sufficient meaningful connection between the structures, a feature which would be scrutinized at the time of permitting.

Modified Application (BZA 18640A)

The Applicant states that due to cost considerations and a simpler design, he seeks to modify the previous proposal by relocating the proposed trellis from the south side of the property to the north side. Moving the trellis to the north side to provide a connection to the garage would result in a shorter trellis. In addition, the large window on the north side of the rear elevation would be replaced with a four panel sliding glass door. Further, the Applicant proposes to change the fence materials from cedar to brick. Lastly, the Applicant proposes to modify the style of the rear windows and to replace two windows with a single window.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Approved	Relief
Height § 400	40 ft. max.	23 ft.	23 ft.	None required
Lot Occupancy § 403	60% max.	53%	70%	Relief approved
Rear Yard § 404	20 ft. min.	31 ft.	0 ft.	Relief approved



Subject Property
 (761 10th Street SE)



Aerial view of the subject site (highlighted)



View of the rear of the site (identified) looking east toward 10th Street.
 (Bing Maps).



View of the subject alley (looking south) and the existing garage on the Property.

V. OFFICE OF PLANNING ANALYSIS

b. Special Exception Relief pursuant to § 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 R-4 zone. The Applicant is requesting a modification to the special exception relief approved by the BZA 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 proposal would construct: (1) a two-story addition, composed of two floors of conditioned space, an open-aired porch, and a roof deck, at the rear of an existing single family row dwelling; and (2) a two-story replacement of an existing single level garage along the Property's rear lot line, which would connect to the main dwelling via a covered walkway.

The modified proposal would relocate the trellis to the north side of the property, which could have some limited impact on the light available to the neighboring property to the north (757 10th Street SE). However, the trellis would be only two feet taller than the proposed six-foot fence, and the impact should not unduly affect that property. Further, the portion of the trellis that would be eleven feet in height is limited to the landing adjacent to the principal structure.

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

The additions would have no windows on their northern or southern sides, thereby minimizing views into neighboring properties. The proposed six-foot tall brick wall, (which would replace the previously proposed six-foot high wood fence), should provide a measure of privacy to the 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 additions, as viewed from the alley, would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage. Additionally, there are other single-story and two-story garages along the subject alley, as well as rear porches.

- (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 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.

- 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

At its regularly scheduled meeting on September 8, 2015, Advisory Neighborhood Commission (ANC) 6B voted to 6-0-0 to support some of the modifications requested (including window styles), but not the relocation of the connecting trellis from the south side of the property to the north side.

As of this writing, no comments from adjacent neighbors have been submitted to the record.