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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager

Joel Lawson, Associate Director Development Review

DATE: October 22, 2013

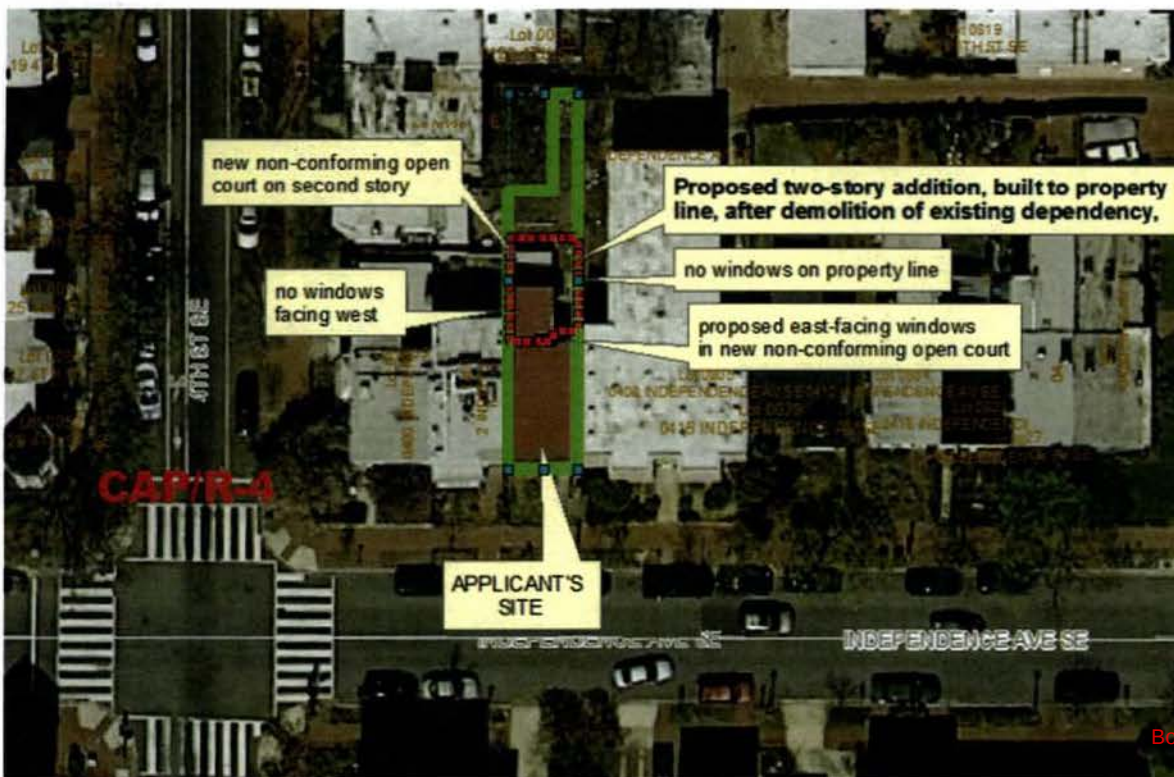
SUBJECT: BZA Case 18641 - Request for special exception relief under § 223 to construct an addition to an existing one-family semi-detached dwelling at 404 Independence Ave., S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223 to enable construction of a first floor addition to a semi-detached house in the R-4 zone:

- § 403.2 – Lot Occupancy (40% permitted as semi-detached; 70% proposed [would become rowhouse after completion of addition]);
- § 406.1 – Open court
 - [On Eastern Side] (minimum 6 foot width required; minimum 2.3 feet width proposed)
 - [On Western Side {added in 10-22-13 filing}] (minimum 6 foot width required; 1.6 feet proposed)
- § 2001.3 for an addition to a nonconforming structure.

II. BACKGROUND



BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18641
EXHIBIT NO. 33

Address: 404 Independence Ave SE		Legal Description: Sq 818, Lot 807	Ward: 6	ANC: 6C	Zoning: R-4
Owner and Authorized Agent Aung Hla and Myint Myint San			Historic Status: Capitol Hill District		
Lot Characteristics:	Flat interior lot with L-shaped rear property line without alley access				
Existing Development:	Semi-detached single family house with two-story and one-story rear additions, 2 3 foot wide side yard				
Adjacent Properties:	Apartment Building to east, row-house to west				
Neighborhood Character:	Blocks of similar row and semi-detached houses, and occasional apartments				
Project:	Partial demolition of existing two-story addition, complete demolition of existing one-story rear addition Proposed expanded addition would add 2 4 feet to the house's depth and increase width of additions to the full width of property, converting building from a semi-detached house to a rowhouse, and converting 2.3 foot side yard into an open court, 2 3 feet wide at its narrowest The final 13 feet of the proposed addition would include a gable-roofed second story, set-back a non-conforming 1 6 feet from the western property line				

III. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed* (10-15-13)	Relief
Lot Width (ft.) § 401 3	18 feet	20 04 feet	SAME	None required
Lot Area (sq ft) § 401 3	1800 SF	1,694 sq ft	SAME	Grandfathered
FAR § 402	None prescribed	None prescribed	None prescribed	None required
Lot Occupancy § 403.2	40% max by-right; 70% by S.E.	55.2 % (934 6 sf)	70 % or less (1185 8 sf)	Approx. 15%, but w/in § 223's permitted 70%
Rear Yard (ft.) § 404 1	20 ft	18 25 – 43 6 ft	15 8 – 41 2 ft	None required
Side Yard (ft) § 405 1	8 foot min (semi-detached)	2 3 ft	eliminated	None required (becomes open court)
Open Court (SF) § 406.1	At least 6 ft. wide	none	<u>Eastern Side of building:</u> Varies from 2.3 ft. (existing side yard becomes court), to 6.5 ft. (new court)	3.9 ft.
	At least 6 ft. wide	none	<u>Western Side of addition:</u> 1.5 ft.	4.5 ft.
Parking	1 space	0	0	grandfathered

IV. OP ANALYSIS

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

Semi-detached and row dwellings are permitted uses in this zone The applicant has asked for relief from §§ 403 2 and 406.1, complies with §§ 400, 404, and 405, and has existing non-conformities for § 401 3 (lot width)

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

There would be no substantially adverse affect

To the east, there would be windows only within the newly created portion of the courtyard, which would be 7 ft 7.5 inches from the eastern property line, and fifteen feet from any windows on the east-adjacent building. The east-adjacent neighbor has filed a letter in support of the application.

The owner of the property to the west has expressed concerns about the impact the applicant's second story would have on the enjoyment of their rear yard. There would be no windows on the western side of the applicant's building and, the 10-15-13 design revisions introduce, a 15 foot-wide open court along the rear-most 13 feet, one inch of the proposed second story addition. The applicant's shadow studies indicate with the setback and gabled roof the most recent design would not cast western shadows beyond those already generated by the taller apartment building to the applicant's east.

- (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,*

There would be no substantial intrusion. The 23 foot width of the rear addition would be set-back over 30 feet from the front property line and would be visible through only the 23 foot open court off of Independence Avenue. The addition would not be visible from any other public street or alley.

- (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 has provided sufficient information.

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 is 70%, which complies with the maximum permitted in the R-4 zone under § 223.

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 does not recommend any additional treatment for the protection of nearby properties, but encourages continued exploration with the west-adjacent property owner about possible setbacks to a portion of the proposed second story.

223 5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception*

The use would be a conforming single family rowhouse.

V. HISTORIC PRESERVATION

The applicant's revised design reflects the discussions the applicant has been having with the Historic Preservation Office's staff about the appropriate extent of the proposed demolition and the size of the addition with the HPO.

VI. COMMUNITY COMMENTS

The east-adjacent neighbor and four other neighboring property owners have filed documents in support of the application. The concerns of the west-adjacent neighbor have been discussed above. ANC 6C voted to oppose the application due to the west-adjacent neighbor's concerns.