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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JLS fv
Joel Lawson, Associate Director Development Review
DATE: December 10, 2013

SUBJECT: BZA Case 18674 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 508 4th Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 403.2, lot occupancy (60% permitted, 69% proposed); and
- § 406.1, courts (7.5 feet required, 3.75 feet proposed).
- § 2001.3, addition to a nonconforming structure

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18674
EXHIBIT NO. 33

II. LOCATION AND SITE DESCRIPTION:

Address:	508 4 th Street, S.E.
Legal Description:	Square 822, Lot 812
Ward:	6, 6B
Lot Characteristics:	The subject property is a rectangular lot with 1,891 square feet in area. It has 18 feet of frontage along 4 th Street, and is 18 feet wide at the rear of the property. While there is no rear alley access, a driveway providing access to the development located south of this property, previously known as Mt. Joy Baptist Church, is located along the south property line.
Zoning:	R-4/CAP – detached and semi detached single family dwellings.
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	The adjacent properties, also zoned R-4/CAP, consist of primarily semi-detached and row dwellings. A religious institution is located immediately south of the subject property, but has been approved for its conversion into condominiums.
Surrounding Neighborhood Character:	The surrounding neighborhood character is generally residential, consisting of semi-detached and row dwellings, with multi-family dwellings located within the same square as the subject property.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Philip Anderson
Proposal:	The proposal consists of the replacement of a rear and side addition to an existing semi-detached row dwelling, measuring 39.75 feet in length and spanning the width of the property. The existing storage structure located at the rear of the property would be removed.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

V. ZONING REQUIREMENTS

R-4/CAP Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	22.1 ft.	22.1 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	18 ft.	18 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,891 sq.ft.	1,891 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	60% max	64.1%	69%	Required
Rear Yard (ft.) § 404	20 ft. min.	43.3 ft.	29.8 ft.	None required
Side Yard (ft.) § 405	None required	--	--	None required
Court § 406	7.5 ft. min.	3.75 ft.	3.75 ft.	Required

VI. 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

Row dwellings are a permitted use in the R-4/CAP District. The applicant is requesting special exception relief under § 223 from the requirements of: § 403, Lot Occupancy; § 406, Courts; and § 2001.3, Addition to a Nonconforming Structure.

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 applicant proposes to remove a series of rear and side additions to the existing row dwelling, and construct a new cohesive addition of a larger footprint, adding 773 square feet to the area of the dwelling. The proposed addition would extend 39.75 feet into the rear yard, resulting in a setback of 29.8 feet, and would maintain the existing nonconforming court along the south property line of 3.75 feet. The depth of the court would be reduced four feet, from 38.5 feet to 34.5 feet. The addition would permit the reconfiguration of the dwelling from a two bedroom, one and one-half bathroom dwelling to a three bedroom, two bathroom dwelling. The shed located at the rear of the property would be removed. The lot occupancy would be increased from 64.1% to 69%.

¹ Information provided by applicant.

The proposed addition to the rear and side of the dwelling would increase its footprint by 252 square feet. The row dwelling located north of the subject property consists of three stories and has approximately the same rear setback as the proposed addition. A driveway is located south of the subject property, providing a separation of 15 feet between the addition and the existing religious institution, which has received approval to be converted into condominiums. In addition, a rear setback of 29.8 feet, which exceeds the minimum required setback of 20 feet, would be provided. The increased rear setback and driveway ensure that light and air available to neighboring properties would not be affected, and maintaining a setback comparable to that of the existing dwelling located north of the property provides that there will be no change to the light and air available to the neighboring lot. As a result, the light and air available to neighboring properties should not be unduly affected.

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

The proposed addition would be separated from the religious institution located south of the subject property by a distance of approximately 15 feet. It would be separated by a distance of 29.8 feet from the east property line and a distance of approximately 83 feet from the nearest dwelling east of the proposed addition. While the addition would encroach further into the rear yard, the separation would still exceed minimum requirements for rear setback. The distance from these existing structures ensures that privacy of use and enjoyment of neighboring properties would not be unduly compromised.

The proposed addition would have roughly the same rear setback as the dwelling located along the north property line. The applicant has discussed the proposal with this neighbor, who has provided a letter of support for the record, suggesting that the privacy of use and enjoyment of this property would not be 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 applicant submitted drawings illustrating that the proposed addition would be consistent with the design of the dwelling and in character with the neighborhood. The concept of the addition was approved by the Historic Preservation Review Board at its September 26, 2013 meeting, and the applicant has been working with Historic Preservation Staff to obtain final approval. The side addition would be visible from the street, but would be set back from the front of the dwelling, maintaining the appearance of the court from the street. The rear addition would not be visible from any public ways. As a result, the proposed addition would not substantially visually intrude upon the character, scale and pattern of houses along the subject 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 has provided drawings, including site plan and elevations, and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views 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 is 69 percent, which is less than the maximum of 70 percent permitted in the R-4/CAP District with a special exception.

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.

The Office of Planning has no recommendations for special treatments for this application.

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

The subject application would not result in the introduction or expansion of a nonconforming use.

VII. COMMUNITY COMMENTS

As of the writing of this report, this request has not been discussed at an ANC meeting. The proposed addition was reviewed by the Historic Preservation Review Board, where it received concept approval, and the applicant has continued to work with Historic Preservation Staff for final approval. The applicant provided letters of support from neighbors in the submission, including one from the neighbor located directly north of the subject property.

Attachment: Location Map

Location Map

