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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review
DATE: January 7, 2014

SUBJECT: BZA Case 18704 - Expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 621 Upshur Street, N W

I. OFFICE OF PLANNING RECOMMENDATION

The applicants, Richard and Robin Appia, request pursuant to § 223, special exception review for an addition to an existing single family row house with a lot occupancy of 62% where a maximum of 60% (§ 403.2) is allowed

The Office of Planning (OP) recommended that the applicant also request special exception review for § 2001.3, Addition to Non-conforming Structure

OP recommends **approval** of the requested special exceptions.

II. LOCATION AND SITE DESCRIPTION:

Address:	621 Upshur Street, N.W.
Legal Description.	Square 3226, Lot 80
Ward:	4, 4C
Lot Characteristics	The irregularly shaped lot has an area of 2,187.4 square feet, with 16 feet of frontage along 24 th Street. There is a 15 foot wide public alley to the north of the property and a 15 to 20 foot wide alley abutting the northwestern portion of the property,
Zoning	R-4 – semi-detached single family dwellings and row dwelling
Existing Development.	Row dwelling, permitted in the R-4 zone.
Historic District:	Not within a historic district
Adjacent Properties.	Surrounding properties are primarily developed as row dwellings in the R-4 zone.

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District of Columbia

CASE NO. 18704
EXHIBIT NO. 24

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III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to add a third floor to a portion of the house that currently has 2 stories. The addition would accommodate a sun room and would match the 3-story height of the existing family room

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft) § 400	40 ft max	36.3 ft.	37.8 ft.	None required
Lot Width (ft) § 401	18 ft min.	20 ft.	20 ft	None required
Lot Area (sq ft.) § 401	1800 sq ft. min.	2,187.5 sq. ft.	2,187.5 sq. ft.	None required
Lot Occupancy § 403	60% max.	62% (approx.)	62%	Required (Existing non-conformity)
Rear Yard (ft.) § 404	20 ft min	33 ft	33 ft.	None required
Side Yard (ft.) § 405	None required	0 ft	0 ft.	None required

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

Row dwellings are a permitted use in this zone The applicant is requesting special exception relief under § 223 from the requirements of § 403, Lot Occupancy, and also requires relief from § 2001 3, Enlargement of a non-conforming 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 construct a third floor addition for a sun deck. The sun deck would be adjacent to and behind a family room which forms the third floor of the structure A small portion of the addition would extend above the family room The adjacent properties are developed with 2-story buildings and the addition would be above their height and therefore would not block light and air to these structures.

¹ Information provided by applicant

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

The proposed addition would have no windows or openings on the eastern or western sides of the structure. Views from the addition would be limited, as it would not extend out to the rear of the existing building so privacy of adjacent properties should not be impacted

- (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 sun room would be consistent with the design of the dwelling and in character with the neighborhood. Although the roof of the sun deck extends approximately 1-foot above the roof of the family room, the slant of the family room's roof plus the sun room's location behind the family room make the addition not visible from Upshur Street. The sun room would be visible from the public alleys but would not substantially visually intrude upon the character, scale and pattern of houses along the Upshur 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 a site plan 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 existing 62% lot occupancy is less than the maximum 70% permitted in the R-4 District with a special exception. The addition would not result in an increase in lot occupancy.

- 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 does not recommend any 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 any nonconforming use.

VI. COMMUNITY COMMENTS

The property is within ANC-4C. As of the writing of this report, this request has not been discussed at an ANC meeting. The applicants state that they have the support of neighbors.