



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review
DATE: February 25, 2014
SUBJECT: BZA Case 18719 - 1814 24th Street, NW
Special Exception relief under § 223

I. OFFICE OF PLANNING RECOMMENDATION

The applicant Pierre DeLucy and Jodie McLean request, pursuant to 11 DCMR § 3104.3, Special Exception relief under § 223 to demolish an existing rear addition and replace it with a slightly larger addition that does not meet the following requirements:

- § 403.2, Maximum Lot Occupancy (40% allowed; 70% by Special Exception; 49.85% proposed);
- § 406.1, Courts (10.5 feet minimum required; 6.42 feet proposed); and
- § 2001.3, Addition to a non-conforming structure.

OP notes that the existing single family attached rowhouse is within the R-1-B zone designated for single family detached units. The lot is nonconforming for lot width (maximum 50 feet allowed, 20 feet existing) and lot area (minimum 5,000 square feet required, 2,439 square feet existing).

The Office of Planning (OP) recommends **approval** of the requested special exception as the proposal meet the conditions of § 223.

II. LOCATION AND SITE DESCRIPTION:

		BOARD OF ZONING ADJUSTMENT District of Columbia
Address:	1814 24 th Street, NW	CASE NO. <u>18719</u>
Legal Description:	Square 2506, Lot 38	EXHIBIT NO. <u>23</u>
Ward:	2	
Lot Characteristics:	The nearly rectangular lot has an area of 2,439 square feet and abuts a 20-foot wide public alley at its rear. The topography slopes down from 24 th Street towards the alley.	
Zoning:	R-1-B: The R-1-B district permits single-family detached residences as a matter-of-right. The existing single-family attached residence was constructed prior to 1958 and is therefore a permitted within the R-1-B zone.	
Existing Development:	A 3-story rowhouse and a 1-story detached garage.	

Adjacent Properties:	Directly to the east, north and south are single family attached dwellings in the R-1-B District. To the west is the Embassy of Zambia in the D/R-3 district. The wider neighborhood has a mixture of single-family detached, duplexes and single family attached units, some of which house embassies/chanceries in the R-1-B zone.
Historic District:	Sheridan Kalorama Historic District



Subject Property

III. PROJECT DESCRIPTION

The building has a two-story plus basement portion to the rear which the applicant is proposing to demolish and rebuild with an additional 2-foot from its existing location, a 3.08-foot wide deck and spiral stairway. The existing floor area would increase from 4,091 square feet to 4,192 square feet, an increase of 101 square feet.

IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed¹	Relief:
Height (ft.) § 400	40 ft. max.	39.0 ft.	39.0 ft. 29.3 ft. (addition)	None Required
Lot Width (ft.) § 401	50 ft. min.	20 ft.	20 ft.	Existing Non conformity
Lot Area (sq. ft.) § 401	5,000 sq. ft. min.	2,439 sq. ft.	2,439 sq. ft.	Existing Non conformity
Lot Occupancy § 403	40% max. (70% by SE)	45.75%	49.85%	Relief Required
Rear Yard (ft.) § 404	25 ft. min.	55.75 ft.	51.25 ft.	None Required
Side Yard (ft.) § 405	n/a	n/a	n/a	None Required
Courts (ft.) § 406	10.5 ft.	6.9 in.	6.9 in.	Relief Required

V. OP ANALYSIS:

The applicant states that the structure was constructed in 1920, prior to the establishment of the R-1-B zone in 1958. § 2000.2 allows for the rowhouse structure to continue in the R-1-B zone as it states:

Within the districts established by this title, or in amendments that may later be adopted, there exist structures, uses of land, and uses of structures that were lawful before this title was adopted or amended, but that would be prohibited, regulated, or restricted under the terms of this title or future amendments to this title. It is the intent of this title that nonconformities may not be enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same district.

Further § 2000.4 states:

Any nonconforming use of a structure or of land, or any nonconforming structure lawfully existing on May 12, 1958, that remains nonconforming, and any use or structure lawfully existing that became nonconforming on May 12, 1958, may be continued, operated, occupied, or maintained, subject to the provisions of this chapter.

Under § 2003.1, additions or enlargements are permitted provided the structure conforms to the lot occupancy requirements which is met in this case. However, the addition would extend the non-conforming court.

¹ Information provided by applicant.

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.

Since this rowhouse was constructed prior to 1958 it is permitted by-right in this R-1-B zone. The applicant has requested 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 effect 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 proposed replacement of the two-story portion which would be enclosed and extended is not anticipated to have an undue effect to the light and air of neighboring properties, including the properties to the north, south, and west. The 2-story portion would retain its approximately 29.4 feet height and would be similar to the heights on the properties to the north and south. The addition would not extend beyond the existing 2-story rear structure on the neighboring property to the north. Furthermore, the addition would not decrease the existing non-conforming court on the south side and therefore would not unduly affect the light and air to adjacent properties.

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

The property to the north shares a party wall that has no windows and none are proposed on the addition. The south side of the property would have windows and doors. However, the addition would maintain the approximately 6.4-foot court on that side which matches a similar court on the property to the south. Therefore, there would be some distance between the buildings which should not unduly compromise the privacy of the adjacent neighbor. In addition, the adjacent property has screening on their first floor and the properties are separated by a 6-foot high board fence. The use and enjoyment of the property to the rear should not be unduly compromised because the rear yard would have a depth of 51.25 feet in addition to the separation by the alley. Therefore, the privacy of use and enjoyment of neighboring properties should not be unduly compromised by the proposal.

(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 2-story rear structure would not be visible from 24th Street because it would be limited to two stories and would be blocked by the existing three story portion of the building. The addition would be visible from the alley but would be similar in character and height of other rear structures along the alley and therefore would not intrude upon the pattern of structures along the alley.

The property is within the Sheridan Kalorama Historic District and is a contributing building to the historic district. The proposal was reviewed by staff of the Historic Preservation Office and it was determined to be consistent with the historic character of the area and does not need to be reviewed by the Historic Preservation Review Board.

- (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 graphical representations, including plans and photographs, to represent the relationship of the proposed addition to adjacent buildings, the alley and the street.

- 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 at 49.85% would exceed the permitted maximum lot occupancy of 40% in an R-1-B zone but would be below the 70% maximum permitted by special exception review pursuant to § 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 suggest any other special treatment for this renovation.

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

The existing single family use is permitted and no additional use is proposed.

VI. COMMUNITY COMMENTS

At its regularly scheduled meeting on January 12, 2014, ANC-2D voted to recommend approval of the application provided the applicant provided letters of support from the adjacent neighbors at 1816 24th Street, NW and 1812 24th Street, NW.