

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Development Review Specialist
 Joel Lawson, Associate Director Development Review

DATE: May 13, 2014

SUBJECT: **BZA Case 18758** – request for special exception relief under § 223 to construct a third floor addition to an existing two-story row dwelling at 1402 E Street SE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the special exception relief requested pursuant to § 223 from § 2001.3 (a) (the dwelling would continue to exceed the allowable 60% lot occupancy *after* the proposed addition).

The requested relief from § 403 (lot occupancy) is not required for this addition. This property is also nonconforming for lot area and width.

II. LOCATION AND SITE DESCRIPTION

Address:	1402 E Street SE
Legal Description:	Square 1042E, Lot 0043
ANC:	6B
Lot Characteristics:	An L-shaped interior lot with an area of 998 square feet (0.02 acre), and frontages along E Street SE and the adjacent rear alley 10-feet wide.
Zoning:	R-4 – row dwellings are allowed as a matter of right.
Existing Development:	A two-story one family row dwelling with no onsite parking.
Historic District:	None
Adjacent Properties:	Similar two-story row dwellings in the same zone district.
Surrounding Neighborhood Character:	Primarily low-density residential.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	James Mahoney, owner of record.
Proposal:	Renovate the existing dwelling including construction of a third-floor addition on the second floor roof. The existing dwelling, constructed in mid-1900's, predates the Zoning Regulations. The overall dwelling lot occupancy of 65.6% exceeds the 60% allowed

	for row-dwelling lots in this zone district. ¹ The application requested relief from § 403 (lot occupancy), § 401.3 (minimum lot dimensions) and § 2001.3 because the combined structure would still not conform to the lot occupancy standard.
Relief Sought:	Special exception relief from §§ 401.3, 403.2 and 2001.3 in accordance with § 223. Relief from § 401.3 is not required per § 401.1. In response to an OP inquiry, the applicant found that the <i>new third floor</i> created by proposed 16 x 35-foot addition <i>would occupy 56% of the lot</i>, which is less than the 60% lot occupancy allowed under § 403. As a result, the addition <i>itself</i> would conform to the allowable lot occupancy. Section 404.4 allows the addition to extend into the required rear yard <i>to the extent</i> of the existing dwelling if it predates the current regulations. The new construction would also eliminate the nonconforming open court that currently exists along the rear dwelling façade by building over it. It therefore appears that this proposal only requires special exception relief from § 2001.3 (a).

IV. ZONING REQUIREMENTS

R-4 District	Required	Existing	Proposed	Relief?
Height § 400.1	40 feet, 3 stories	25.3 feet	33.7 feet	None
Lot Area § 401	1,800 sq. ft.	998 sq. feet	SAME	None
Lot Width § 401	18 feet	16 feet	SAME	None
Lot Occupancy § 403	60%	64.6%	SAME	None
Rear Yard § 405	20 feet	19.0-31.2 feet	SAME	None

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.*

A single-family row dwelling is a permitted use in the R-4 district. This proposal requires special exception relief in accordance with § 223 from § 2001.3 (a) because the resulting dwelling lot occupancy that would remain nonconforming.

§ 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;

¹ According to the applicant, this lot occupancy calculation includes the existing nonconforming open court along the southern rear façade.

The proposed roof addition would not extend beyond the rear façades of the neighboring dwellings. Due to the dwelling north-south lot orientation, the addition shadows would primarily fall on the roofs of the neighboring dwellings. Therefore, it does not appear that the addition would unduly impact the light and air available to neighbor properties.

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

The addition would not extend beyond the neighboring properties. Addition windows in the front and rear facades would also be oriented toward the street frontage and rear yard, respectively. The privacy of use and enjoyment of neighboring properties should, therefore, not 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 applicant indicated that the front of the existing dwelling façade would be repainted maroon with black trim. The front addition wall would have a brick veneer that would match the color of the façade below, also with black trim. It would also set back from the front dwelling façade and the public right-of-way. The rear façade would be the same color as the front or the grey color of the concrete siding on the remaining three sides of the dwelling.

The grey color of the sides, the rear set back and angled rear frontage would reduce the visibility of the addition side and rear walls from adjacent public alley to the north. Applicant also noted that dwellings along E Street are painted in a variety of colors and there appears to be a least one other dwelling with a third-floor addition along the frontage. Under these circumstances, the proposed rooftop addition would not substantially intrude upon the character, scale and pattern of houses along the street and 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 submission provided sufficient graphic information for this review.

- § 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 and proposed *overall* lot occupancy of 64.6% is less than the maximum 70% allowed in this zone district under this section. The lot occupancy of the proposed third floor addition is less, at 56%.

Figure 1



§ 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.*

No special treatment is recommended.

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

Based on this submission, no nonconforming use would be established under this proposal.

VI. COMMENTS FROM OTHER DISTRICT AGENCIES

Comments from other District agencies have not been received at the time.

VII. COMMUNITY COMMENTS

This application was reviewed by the Planning and Zoning Committee of Advisory Neighborhood Commission (ANC) 6B on May 6, 2014. The majority of the Committee voted to support the application. The full commission will vote at a regularly scheduled meeting on May 13, 2014.

Submitted with the application were letters dated February 4, 2014, from Mark Giroux and John Thiel, owners of the adjacent properties at 1400 and 1404 E Street SE, respectively. Both letters recommended approval of this application. There was also a petition in support signed by five owners of property in the vicinity.

Figure 2

