



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** June 3, 2014

**SUBJECT:** BZA Case 18768 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing single-family dwelling at 1162 Abbey Place NE

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403.2, lot occupancy, (57% existing, 60% required, 65% proposed); and
- § 404.1, rear yard, (20.5 feet existing, 20 feet required, 14.75 feet proposed)

OP notes that the property is nonconforming with respect to lot width and lot area.

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### **II. LOCATION AND SITE DESCRIPTION**

|                       |                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Address.              | 1162 Abbey Place NE                                                                                                                     |
| Legal Description:    | Square 0773, Lot 0216                                                                                                                   |
| Ward/ANC.             | 6/6C                                                                                                                                    |
| Lot Characteristics   | Rectangular lot bounded on the north and south by row dwellings, on the east by Abbey Place NE, and the west by a 15-foot public alley  |
| Zoning:               | R-4 – detached, attached, semi-detached, single family dwellings and flats                                                              |
| Existing Development. | Two-story, single-family residential row dwelling, which is permitted in this zone.                                                     |
| Historic District     | Not applicable.                                                                                                                         |
| Adjacent Properties   | The surrounding neighborhood is residential in character, with commercial properties in the C-M-1 zone to the north across M Street NE. |

### **III. PROJECT DESCRIPTION IN BRIEF**

|           |                                                     |
|-----------|-----------------------------------------------------|
| Applicant | Jasmine Ohi, on behalf of Shad Gohn, property owner |
|-----------|-----------------------------------------------------|

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|                |                                                                                                                                  |
|----------------|----------------------------------------------------------------------------------------------------------------------------------|
| Proposal.      | The applicant is proposing to replace the existing deck and rear stair with a new rear deck, spiral stair, and pergola addition. |
| Relief Sought: | §223 - Additions to One-Family Dwellings or Flats                                                                                |

#### IV. ZONING REQUIREMENTS

| R-4 Zone                | Regulation         | Existing <sup>1</sup> | Proposed      | Relief:       |
|-------------------------|--------------------|-----------------------|---------------|---------------|
| Lot Width (ft.) § 401   | 18 ft. min.        | 16 ft.                | 16 ft.        | None required |
| Lot Area (sq.ft.) § 401 | 1,800 sq. ft. min. | 1,038 sq. ft.         | 1,038 sq. ft. | None required |
| Lot Occupancy § 403     | 60 % max.          | 57 %                  | 65 %          | 5 %           |
| Rear Yard (ft.) § 404   | 20 ft min.         | 20.5 ft               | 14.75 ft.     | 5.25 ft       |
| Side Yard (ft ) § 405   | 0 ft. min.         | 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.*

A single-family dwelling is a permitted use in this zone. The proposed addition requires special exception review under § 223 from the requirements for lot occupancy (§ 403.2) and rear yard (§ 404.1). The applicant is proposing to replace an existing deck in the rear yard with a new deck, spiral stair providing access to grade, and a pergola

*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 proposed deck would feature cable railing around the perimeter which should allow for the passage of light and air through the deck structure. The pergola would feature an open pattern with adequate spacing to permit the passage of light and air through the structure. Therefore, the light and air available to the neighboring properties should not be unduly compromised.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. The property to the south has an addition at the rear of the property that

<sup>1</sup> Information provided by applicant

would extend beyond the proposed deck. The property to the north has a detached garage in the rear yard. The adjacent neighbors have submitted letters indicating that they have no objection to the proposed addition.

- (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 proposed addition should conform to the character, scale, and pattern of the existing dwelling and other dwellings in the square. The proposed addition would not be visible from Abbey Place NE but would be visible from the 15-foot public alley. The proposed material for the addition, pressure treated wood, cable rail and a metal spiral stair, would be in keeping with the character of the neighborhood.

- (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 information about this proposal

- 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 of 65 percent is less than the maximum 70 percent permitted within the R-4 district

- 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*

No nonconforming use would be established under this proposal

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments from other District agencies had not been received at the time this report was drafted.

## **VII. COMMUNITY COMMENTS**

Adjacent neighbors have indicated no objection to the proposed addition.

ANC 6C voted unanimously at its May 14, 2014, meeting to support the application.

ATTACHMENT. Location Map

