

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 2, 2014

SUBJECT: BZA Case 18811 - request for special exception relief under § 223 to construct an addition to an existing semi-detached row dwelling at 234 9th Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

With regards to this proposal to add a rear addition to an existing semi-detached row dwelling, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403.2, lot occupancy (40% maximum, 70% proposed);
- § 406.1, open court (6 feet required, 2.67 feet proposed); and
- § 2001.3, nonconforming structures

II. LOCATION AND SITE DESCRIPTION:

Address:	234 9 th Street, S.E.
Legal Description:	Square 944, Lot 811
Ward:	6, 6B
Lot Characteristics:	The rectangular lot is 1,746.93 square feet in area, with a frontage of 16.50 feet on 9 th Street. The lot has 16.50 feet of frontage along the 20 foot public alley located along the rear of the property. The lot tends to be narrower than those located north of it in the square, and comparable in width to properties located south of it in the same square.
Zoning:	R-4 – Row dwellings
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Adjacent properties are generally row dwellings, with several having detached structures located along the public alley.

Surrounding Neighborhood Character:	The surrounding neighborhood character is predominantly residential, including single family dwellings, flats, and a few multifamily buildings. The property is located approximately three blocks north of Pennsylvania Avenue and the Eastern Market Metro Station.
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III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Jennifer Fowler
Proposal:	The applicant proposes to remove two additions at the rear of the dwelling, and replace them with one, larger addition measuring 26.41 feet by 16.46 feet. The addition would convert the semi-detached row dwelling into an attached structure and would allow for greater circulation and larger rooms. The existing nonconforming court would continue to exist, leaving the appearance of the front of the dwelling the same, and would continue slightly into the addition, expanding the nonconformity.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	21.67 ft.	21.67 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16.5 ft.	16.5 ft.	Existing nonconforming
Lot Area (sq.ft.) § 401	1800 sq.ft. min.	1747 sq.ft.	1747 sq.ft.	Existing nonconforming
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	54.6%	70%	Required
Rear Yard (ft.) § 404	20 ft. min.	56.25 ft.	51.08 ft.	None required
Side Yard (ft.) § 405	8 ft. min.	2.67 ft.	None	None required
Court § 406	6 ft. min.	2.67 ft.	2.67 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

¹ Information provided by applicant.

shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Semi-detached and attached row dwellings are a permitted use in this District. The applicant is requesting special exception relief under § 223 from the requirements of: § 403.2, lot occupancy; § 406.1, open court; and § 2001.3, nonconforming structures. The applicant proposes to construct a 435 square foot addition to the rear of the existing dwelling, which would increase the lot occupancy to 70%, and would extend an existing nonconforming court into the addition.

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 addition would not affect the light and air available to neighboring properties. The addition would be replacing two previous additions, and would provide a more than adequate rear setback of 31.30 feet, measured to the existing detached garage. The two story addition would not be any taller than the current height of the dwelling, and the existing court would allow light and air to pass between the subject dwelling and the neighboring dwelling to the north. The dwellings located north and south of the subject dwelling are larger and extend 8.67 feet further into their respective rear yards than the proposed addition, further ensuring that light and air will not be unduly affected.

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

The privacy and use and enjoyment of the neighboring properties should not be unduly compromised. The proposed addition would only extend 5.42 feet beyond the existing additions that would be removed as part of this project, and the adjacent dwellings would project 8.67 feet beyond the addition. While the side yard along the north property line would be eliminated, the applicant has slightly reduced the size of the addition to address concerns of the property owner that the proximity would reduce privacy. Further, the addition does not propose any windows on the north building elevation, offering additional privacy to the adjacent dwelling.

(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 would not visually intrude upon the character, scale and pattern of houses along the street frontage. The front 28.25 feet of the dwelling would not be modified with this proposal, and would not change the character of 9th Street. While the addition may be slightly visible through the reduced open court, it would be the same height as the existing dwelling and would not be an imposing structure along the street frontage. The addition is not likely to be visible from the alley, as it is lined with existing detached garages situated along each property line.

(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 graphical representations, including a site plan, building elevations and photographs to demonstrate 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 lot occupancy of all new and existing structures on the lot would be 70%, which is permitted in the R-4 District with the approval of 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 does not recommend special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

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

The proposed use is an attached row dwelling, permitted in this District.

VII. AGENCY COMMENTS

As of the date of this report, comments from other agencies had not been received.

VIII. COMMUNITY COMMENTS

At its regularly scheduled meeting on July 8, 2014, ANC 6B voted to recommend approval of the proposed addition and requested relief.

Attachment: Location Map

Location Map

