

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 23, 2014

SUBJECT: BZA Case 18825 – 1122 East Capitol Street NE. Request for a special exception to allow a rear addition to a one-family row dwelling under Section 223.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403 Lot Occupancy (60% max. permitted, 60% existing, 69% proposed);
- § 405 Side Yard (6 feet required, 3.5 ft. proposed);
- § 406.1 Courts (6 feet required, 4.2 ft. x 16.7 feet existing, 3.6 ft. x 13.8 ft. proposed); and
- § 2001.3 Addition to Nonconforming Structure.¹

The Applicant also request relief from § 401.3 Lot Area (1,800 square feet required, 1,644.6 square feet existing, 1,644.6 square feet proposed); the Zoning Administrator has determined that this relief is not required for an addition to an existing building.

II. LOCATION AND SITE DESCRIPTION

Address	1122 East Capitol Street NE (the “Subject Property”)
Applicant	Christopher Cushman (the “Applicant”)
Legal Description	Square 988, Lot 69
Ward	6
Lot Characteristics	The rectangular lot is approximately 1,645 square feet in area. It is 18.6 feet long along the East Capitol Street NE frontage and is 88.42 feet in depth. A 10 ft. wide alley is located to the rear of the property.
Zoning	R-4
Existing Development	Rowhouse, constructed circa 1915, permitted in this zone.

¹ OP has suggested, and the Applicant has agreed, that relief from § 2001.3 is necessary given the Subject Property’s existing nonconforming court.

Historic District	Capitol Hill Historic District
Adjacent Properties	Adjacent properties include rowhouses.
Surrounding Neighborhood Character	The neighborhood is characterized by rowhouses and multifamily buildings. Lincoln Park is located to the south, across East Capitol Street NE.

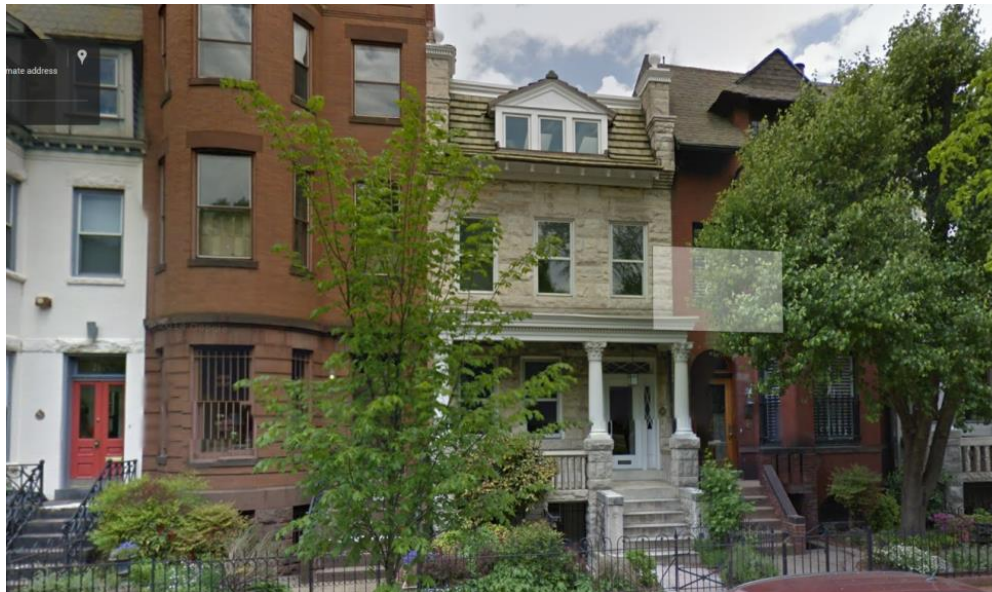
III. APPLICATION IN BRIEF

Proposal:	The Applicant proposes to construct a two-story rear addition. The proposal would include a new family room on the first floor and new master bedroom suite on the second. The proposed addition would be 24 feet in height. In response to concerns by the Capitol Hill Restoration Society, the Applicant proposes to modify the façade materials to a darker colored fiberboard, which would make the structure more compatible with neighboring structures and less visible from 12 th Street NE.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed ²	Relief
Height § 400	40 ft.	24.3 ft. - 25 ft.	23.6 ft. – 25 ft.	None required
Lot Width § 401	18 ft. min.	18 ft. 6 in.	18 ft. 6 in.	None required
Lot Area § 401	1,800 sq. ft.	1,644.6 sq. ft.	1,644.6 sq. ft.	Existing non-conforming
Floor Area Ratio § 402	NA	NA	NA	None required
Lot Occupancy § 403	60% max.	60%	69%	Relief required
Rear Yard § 404	20 ft. min.	35 ft.	26.5 ft.	None required
Side Yard § 405	8 ft. min.	NA	3.5 ft. x 30.5 ft.	Relief required
Open Court § 406	6 ft. min.	4.2 ft. x 16.7 ft.	3.6 ft. x 13.8 ft.	Relief required

² Information provided by applicant.



Subject Property

V. OFFICE OF PLANNING 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.

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 addition would not extend further than the common wall of the abutting dwelling to the east. A four foot side yard would separate the addition from the property to the west (the neighboring property also includes a four foot side yard). The addition would be 24 feet in height, which would be less than the height of the two adjacent structures. Therefore, it does not appear that it would unduly impact the air and light available to the neighbors.

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

The proposed addition would be located to the rear of the existing structure, and would make the rowhouse approximately the same dimensions as neighboring properties to the east and west. The dwelling would continue to be separated from dwellings to the north by a sufficient rear yard and 10 foot wide public alley. The applicant has discussed the proposal with both neighbors; the neighbor to the east subsequently provided a letter of support for the record.

- (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 addition would be located to the rear of the existing structure and should not visually intrude upon the character, scale and pattern of houses along the street frontage along East Capitol Street. While the addition would be visible from the public alley and 12th Street NE., the scale and design of the addition would be similar to existing development.

- (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 sufficient graphical representations.

*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 would be 69%, in compliance with this provision.

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 makes no recommendations for special treatment.

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 permit the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS

The adjacent neighbor to the west (1120 East Capitol Street, NE) submitted a letter in support of the application.

ANC 6A at its regularly scheduled meeting of May 21, 2014, voted to support the application.

The Historic Preservation Review Board (HPRB) placed the Applicant's proposal on its July, 2014 consent calendar.