

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: January 26, 2016

SUBJECT: BZA Case 18844A - request for special exception relief under § 223 to permit a rear addition to 2131 N Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Lot Occupancy (60 percent permitted, 66 percent proposed); and
- § 406, Open Court Width (12.67 feet required, 4.2 feet proposed).

OP believes that the application also requires relief from § 2001.3, Enlargements or Additions to Nonconforming Structures.

II. LOCATION AND SITE DESCRIPTION

Address	2131 N Street, N.W.
Applicant	Alexander Pitt
Legal Description	Square 69, Lot 181
Ward	2B
Lot Characteristics	Rectangular lot with rear alley access
Zoning	DC/R-5-B R-5-B: Moderate density residential DC: Dupont Circle Overlay
Existing Development	Row dwelling, permitted in this zone
Historic District	Dupont Circle
Adjacent Properties	North, East and West: Row houses and flats South: Across N Street, apartments, row houses and an electrical substation
Surrounding Neighborhood Character	Mixture of residential, hotel, office and public utility uses

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to expand the third floor and add a roof deck atop a portion of the existing second floor roof. Windows would face the rear yard and the existing open court on the west side of the building.

V. ZONING REQUIREMENTS

DC/R-5-B Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	50-foot max.	39 feet	>50 feet	None required
Lot Width (ft.) § 401	None prescribed	16.67 feet	16.67 feet	None required
Lot Area (sq.ft.) § 401	None prescribed	1,667 sq.ft.	1,667 sq.ft.	None required
Floor Area Ratio § 402	1.80 max.	1.49	1.76	None required
Lot Occupancy § 403	60% max. 70% by SE	66%	66%	Required
Rear Yard (ft.) § 404	15-foot min.	20 feet	20feet	None required
Side Yard (ft.) § 405	None required	None	None	None required
Open Court width § 406	12.67-foot min.	4.2 feet	4.2 feet	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 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The subject application is to permit an addition to a one-family dwelling that does not comply with the requirements of Sections 403, Lot Occupancy, and 406, Open Court Width.

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 applicant proposes to extend the third floor of the subject property toward the rear of the lot, maintaining the existing footprint, rear yard and number of stories of the dwelling. Although six inches narrower than required, the open court on the subject property adjoins the open court of the

dwelling to the west. As a result the width of these combined courtyards, light and air should not be unduly affected.

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

The proposed addition would be no closer to the side or rear property lines, or reduce the existing open court width, maintaining the existing level of privacy. The existing open court on the subject property adjoins an open court on the adjacent property to west, resulting in a wider court and minimizing the impact on privacy of use and enjoyment of neighboring properties.

No windows would be provided on the party wall on the east side of the property.

- (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 proposal would extend the third floor in manner consistent with the existing structure, and add a rooftop deck above the second floor, visible from the alley. The roof deck at the rear would be generally similar to others within this row of houses and would not extend the height of the structure beyond that permitted by the R-5-B zone. Therefore, the proposal would not substantially intrude upon the character, scale and pattern of houses

- (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.*

Plans, photographs, elevation and section drawings submitted are sufficient to represent the proposed building addition.

- 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 66 percent is less than the maximum of seventy percent permitted in the R-5 by 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 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 will not result in the introduction or expansion of a nonconforming use.

The Historic Preservation Office has no issues with the application.

VII. AGENCY COMMENTS

No comments were received from other District agencies.

VIII. COMMUNITY COMMENTS

ANC 2B was scheduled to review the subject application at its regularly scheduled meeting of January 13, 2016.

The adjacent neighbor to the west submitted a letter to the file in opposition.

Attachment: Location Map

