

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** November 11, 2014

**SUBJECT:** BZA Case 18855 - request for special exception relief under § 223 to construct an addition to an existing dwelling at 213 11<sup>th</sup> Street, S.E.

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

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

- § 403.2 Lot Occupancy (40% maximum, 49.72% proposed);
- § 404.1, Rear Yard (20 feet required, 0 feet proposed);
- § 406.1, Closed Court (5 ft./350 sq. ft. required, 15 ft./305 sq. ft. provided); and
- § 2001.3, Nonconforming Structure.

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

Address:	213 11 <sup>th</sup> Street, S.E.
Legal Description:	Square 969, Lot 804
Ward:	6, 6B
Lot Characteristics:	The subject site consists of two primarily rectangular properties with a total of 4,958 square feet. The combined lot frontage along 11 <sup>th</sup> Street is 50 feet. The combined frontage at the rear of the lot, along the 30 foot wide public alley, is 45 feet.
Zoning:	R-4
Existing Development:	Semi-detached row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Adjacent properties are deeper, rectangular lots consisting generally of row dwellings and accessory structures.
Surrounding Neighborhood Character:	The surrounding neighborhood character is generally residential. Lincoln Park is located approximately one block north of the subject property, and Eastern Market Metro is about five blocks south of the site.

### III. PROJECT DESCRIPTION IN BRIEF

Applicant	John Patrick Brown, Jr., on behalf of the owners, David & Martha Dantzic
Proposal:	The applicant proposes to construct a second story addition on an existing detached garage, and connect it to the existing dwelling by a trellis, or meaningful connection. The ground floor level of the structure will serve as a garage, studio and storage area, while the second floor will contain a two bedroom residential unit. The addition of the trellis slightly increases the lot occupancy of the property, but the rear yard will be reduced from its conforming 20 foot setback to a zero foot setback. The trellis also creates a closed court that does not comply with minimum requirements. The submission identifies the replacement of an existing open porch with a closed porch that keeps the same footprint; this replacement has already received a building permit and does not require relief.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

### V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) § 400	40 ft. max.	29.8 feet	29.8 feet	None required
Lot Width (ft.) § 401	30 ft. min.	50 ft.	50 ft.	None required
Lot Area (sq.ft.) § 401	3,000 sq.ft. min.	4,958 sq.ft.	4,958 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	45.46%	49.73%	Required
Rear Yard (ft.) § 404	20 ft. min.	20.35 ft.	0 ft.	Required
Side Yard (ft.) § 405	8 ft. min.	24.8 ft.	0 ft.	None required
Open Court § 406	4 in./ft. of height of court, but not less than 6 ft.		23.9 ft.	None required
Closed Court § 406	4 in. /ft. of height of court, but not less than 5 ft. in area; twice the square of the required width of court dimension, but not less than 350 ft.		15 ft./305 sq. 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*

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

*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.*

Row dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of § 403.2, lot occupancy; § 404.1, rear yard; § 406.1, closed court; and § 2001.3, nonconforming structures.

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 located at the rear of the lot, adjacent to a 30 foot wide public alley, and would be separated from the adjacent primary dwellings by approximately 17 feet. A shadow study has been provided, and indicates that the second story addition would have little to no impact on adjacent properties.

- (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. All new windows that are included in the proposed addition will face the alley or the applicant's yard. Two windows at the southern end of the proposed addition would have opaque frosted glass to limit the direct view into a neighboring property's yard across the alley, as requested by the property owner. Further, the additional lot occupancy requested with this application would not be occupied, but merely provide a connection between the dwelling and accessory structure.

- (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 height of the accessory structure will be increased from 10 feet, 8 inches to 20 feet, and is only partially obscured by the existing row dwelling. However, the addition is set back approximately 80 feet from 11<sup>th</sup> Street, and would be screened by an existing large tree and a green privacy fence. The addition would also be constructed of brick that would match the existing accessory structure and the dwelling. Finally, Historic Preservation Review is required for the addition, as the property is located in the Capitol Hill Historic District, which will ensure that the design is compatible with the existing 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 applicant has provided graphical representations, including a site plan, building elevations, shadow study 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 49.72%, which is less than the 60% permitted by right.

*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 properties. However, the addition is subject to Historic Preservation Review.

*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 a flat, which is permitted in this District.

## **VII. AGENCY COMMENTS**

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

## **VIII. COMMUNITY COMMENTS**

ANC 6B is scheduled to discuss this case at its November 12, 2014 meeting. Letters of support have been provided by several neighbors, including those immediately adjacent to the subject property.

Attachment: Location Map

### Location Map

