

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: November 11, 2014

SUBJECT: BZA Case 18859 - request for special exception relief under § 223 to construct an addition to an existing flat at 438 New Jersey Avenue, SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 403 (60% required, 69.7 % proposed); and
- § 2001.3 (Addition to an existing nonconforming structure).

The existing property is also non-conforming to lot area (§ 401 (1,800 feet min. 1,556 sf existing).

II. LOCATION AND SITE DESCRIPTION

Address	438 New Jersey Avenue SE
Legal Description	Square 0694, Lot 0834
Ward/ANC	6/ANC6B
Lot Characteristics	Small irregularly shaped lot, with no rear alley access.
Zoning	CAP/R-4 – Single family row dwellings and flats, permitted within the zone and the Capitol Interest Overlay District (§1201.2).
Existing Development	Flat, permitted in this zone.
Historic District	Capitol Hill Historic District.
Adjacent Properties	Attached row dwellings/flats to the north and south of the subject property.
Surrounding Neighborhood Character:	The home is within the Capitol South neighborhood, which is primarily developed with single family row dwellings and flats, with some smaller apartment buildings scattered throughout the immediate neighborhood.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Travis and Holly Greaves
Proposal	The renovation project includes the demolition of an existing one-story addition and deck, which would be replaced with a three-story rear addition with a third story deck.
Relief Sought	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	38.5 ft.	38.5 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	20 ft.	20 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sf. min.	1,566 sf	1,566 sf	Existing non-conformity
Lot Occupancy § 403	60 % max.	63.8%.	69.7%	Relief requested
Rear Yard (ft.) § 404	20 ft. min.	27.5 ft.	23 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.

The existing nonconforming structure does not currently comply with the lot occupancy requirement (§403) so relief from Section 2001.3, is required.

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;*

During the summer, the light to the property at to the north (west) at 436 New Jersey Avenue could be reduced but the loss of light would be minimal,

¹ Information provided by applicant.

especially in winter due to current shadowing by an extended brick wall (at 440 New Jersey Avenue), which abuts the subject property to the south/east.

The abutting neighbor at 436 New Jersey Avenue submitted a letter in support to the record dated 10/04/2014 (Exhibit #24).

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

The privacy of the abutting properties would not be adversely compromised. The proposed addition would not extend beyond the existing abutting wall at 440 New Jersey Avenue, and no windows are proposed along the shared property line with the neighbor to the north/west. The third floor porch is not anticipated to adversely impact the privacy of either abutting residence, although it would provide visibility into either abutting neighbor's rear yard. However, this is anticipated of most open deck 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 addition would be barely visible from a street frontage, including along 1st Street due to the extensive shade trees within the square and lack of alley access to the rear of the subject property.

- (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.*

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 as proposed would not exceed 70%.

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 Historic Preservation Review Board recommended approval of the proposed addition as noted through their Consent Calendar at its October 23rd, 2014 meeting. The addition would be compatible to surrounding residences in terms of material use and character, appropriate for the historic district and the Capitol Interest Overlay. OP does not recommend additional treatment.

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

A flat is a permitted use in this zone and the proposed addition is not intended to alter the

property's existing use.

1202 SPECIAL EXCEPTIONS

1202.1 In an application for a special exception in any CAP Overlay District, the Board of Zoning Adjustment shall consider whether the proposed development is:

- (a) Compatible with the present and proposed development of the neighborhood;*
- (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and*
- (c) In accordance with the plan promulgated under the Act.*

As reviewed under Section 223, the proposed addition is considered compatible with the present and proposed development of the residential neighborhood and consistent with the above provisions of the CAP Overlay District.

1202.2 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

1202.3 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

1202.4 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

The application was submitted to the appropriate agencies indicated for review and report (Exhibit #s 14, 15, 17). All agency reports are expected to be submitted to the record under separate cover.

VI. AGENCY COMMENTS

The Historic Preservation Review Board (HPRB) recommended concept approval of the proposal at its October 23rd, 2014 meeting.

As required under the CAP Overlay District provisions, the application was referred to the Architect of the Capitol (Exhibit #17). No comments were received to the record at the writing of this report.

No other agency comments were submitted to the record to date.

VII. COMMUNITY COMMENTS

As stated, the abutting neighbor at 436 New Jersey Avenue submitted a letter in support of the proposed addition. The ANC6B voted unanimously to approve the addition at its regularly held meeting on October 14, 2014.

Attachment: Location Map

