

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 2, 2014

SUBJECT: BZA Case 18901 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing single-family row dwelling at 131 Kentucky Ave SE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2 Lot Occupancy (69.4% existing, 60% existing, 69.4% proposed);
- § 406.1 Open Court (4.5 feet existing, 6 feet required, 4.5 feet proposed); and
- § 2001.3 Non-conforming Structure

The Applicant also request relief from § 401 Lot Area (1,800 square feet required, 1,619.4 square feet existing, 1,619.4 square feet proposed) as well as § 401 Lot Width (18 feet required, 16 feet existing, 16 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:	131 Kentucky Ave SE (the “Subject Property”)
Legal Description:	Square 1014, Lot 24
Ward:	6
Lot Characteristics:	The rectangular lot is 52 ft. 6 in. deep and 16 ft. wide along the Kentucky Avenue SE frontage. A 10 ft. alley is located to the rear.
Zoning:	R-4 - Permits matter-of-right development of single-family residential uses (including detached, semi-detached, and row dwellings).
Existing Development:	Two-story row dwelling, permitted in this zone. The property includes an existing garage at the rear.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Predominantly row dwellings

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Thomas Reed and Margaret Mead (the “Applicants”)
Proposal:	The Applicants propose to construct a second story addition on an existing one story portion of their house.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats



Subject Property

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	25.3 ft.	25.3 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16 ft.	16 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,619 sq.ft.	1,619 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	60 % max.	69.4%.	69.4%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	41.6 ft.	41.6 ft.	None required
Side Yard (ft.) § 405	NA	NA	NA	None required
Open Court § 406	6 ft. min.	4.5 ft.	1.5 ft.	Relief 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.*

Row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 403 (Lot Occupancy) and § 406 (Open Court). Additionally, relief from §2001.3 Additions or Enlargements to Nonconforming Structures is required.

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 have a height of 25.3 feet and would not substantially block the light and air to the adjacent property. The proposed addition would extend 2.1 feet past the second floor of the neighboring property to the northwest, and would not extend past the existing covered porch. To the southeast, the project would extend the 4.5 foot court; however, the proposed addition follows the lines of the existing house and would not decrease the width of the open court.

The proposed addition would have no effect on the properties to the west as those properties are separated from the Subject Property by a ten foot alley. In addition, the

¹ Information provided by applicant.

existing garage at the rear of the Subject Property partially blocks the view of the rear yard from the alley, limiting the proposed addition's potential impact.

- (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 not extend past the existing first floor of the house. The addition would extend 2.1 feet past the existing covered porch. Given the minimal scope of the expansion, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

- (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 should only be minimally visible from Kentucky Avenue SE. The addition should not intrude on the general character of the neighborhood, as it is in keeping with the existing style of the residence.

- (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 submitted plans, elevations and section drawings to represent the extent of the 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 application proposes a lot occupancy of 69.4%.

- 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

Letters supporting the Applicant's request were submitted into the record from the neighbors residing at 129 and 133 Kentucky Ave SE, as well as 134 and 136 12th Street SE.

Advisory Neighborhood Commission (ANC) 6B voted 8-0-0 at its regularly scheduled meeting on November 12, 2014 in support of the Applicant's request.