

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 20, 2015

SUBJECT: BZA Case 18936 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing single-family dwelling at 4430 9th Street NW.

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 (60% permitted, 70% proposed); and
- § 404.1, rear yard (20 feet required, 18 feet proposed).

OP notes that the property is nonconforming with respect to lot area (2,000 square feet required, 1,300 square feet provided).

II. LOCATION AND SITE DESCRIPTION

Address:	4430 9 th Street NW
Legal Description:	Square 3020, Lot 33
Ward:	4
Lot Characteristics:	Rectangular lot bounded by Allison Street NW to the north and 9 th Street NW to the east.
Zoning:	R-3 – detached and semi detached single family dwellings.
Existing Development:	Single-family row dwelling, permitted in this zone.
Adjacent Properties:	Predominantly row and semi-detached dwellings in the R-3 zone with property in the R-4 zone to the west.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Thomas Ahmann, AIA, agent on behalf of Brandon Gallas, owner.
Proposal:	To construct a two-story rear addition.
Relief Sought:	§223 - Additions to One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	22 ft.	31 ft.	None required
Lot Width (ft.) § 401	20 ft. min.	20 ft.	20 ft.	None required
Lot Area (sq.ft.) § 401	2,000 sq. ft. min.	1,300 sq. ft.	1,300 sq. ft.	None required
Lot Occupancy § 403	60 % max.	60 %	70 %	10 %
Rear Yard (ft.) § 404	20 ft. min.	26 ft.	18 ft.	2 ft.
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 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.*

Row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403.2 and 404.1.

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 neighboring property, directly to the south at 4428 9th Street NW, would share a party wall with the proposed addition at the subject property. The property to the west, at 906 Allison Street NW, is a semi-detached dwelling with its side yard adjacent to the rear yard of the subject property, which would serve as a buffer from the proposed addition. Therefore, the light and air available to neighboring properties should not be negatively impacted.

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

The subject property, a corner lot, is located at the northeast corner of the square and features a large green area in public space along the northern property line at Allison Street. The side yard of the adjoining property at 906 Allison Street NW provides additional separation from the proposed addition. The neighboring property owners have expressed support for the requested relief. 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*

¹ Information provided by applicant.

*upon the character, scale and pattern of houses along the subject street frontage;
and*

The proposed addition steps back along the Allison Street property line to mirror the setback of the adjacent properties. The windows of the proposed addition would match the scale and proportion of existing windows. The proposed addition, together with the original building, as viewed from 9th Street NW and Allison Street NW would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage.

(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 would not exceed seventy percent (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.

No special treatment is recommended.

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

If granted, the relief requested would not permit the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS

The applicant provided thirteen (13) letters of support, including a letter from the owner of the property directly to the south at 4428 9th Street NW.

ANC 4C voted on October 8, 2014 to support the relief requested.

Attachments:

1. Location map

