

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
Joel Joel Lawson, Associate Director Development Review

DATE: April 14, 2015

SUBJECT: BZA Case 18938 – 325 5th Street, SE

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223 to enable the construction of a two-story addition, with cellar, on the rear of an existing row house:

- § 403.2, Lot Occupancy (60% permitted by-right, 70% by special exception; 60.8% existing; 63.6%, proposed);
- § 406.1, Court Width (6 ft. required, 4.5 ft. existing, varying from 4.5 ft. to 5 ft. proposed)
- § 2001.3 (Expansion of existing non-conforming lot occupancy and Extension of the existing non-conforming court).

II. LOCATION AND SITE DESCRIPTION

Address	325 5 th Street, SE
Legal Description	Square 820, Lot 17
Ward and ANC	6, 6B
Lot Characteristics	flat, rectangular, 18.5 foot wide, 1944 square foot lot lot with frontage on west side of 5 th Street, S.E. and no rear alley.
Zoning	CAP/R-4 – Rowhouses; Single family and flats
Existing Development	Two-story single family residence
Historic District	Capitol Hill
Adjacent Properties	Residential rowhouses on both sides
Neighborhood Character	Mostly rowhouses; with some apartment buildings.

III. APPLICATION IN BRIEF

Applicant	Gina Eppolito & Frances Slakey, property owners
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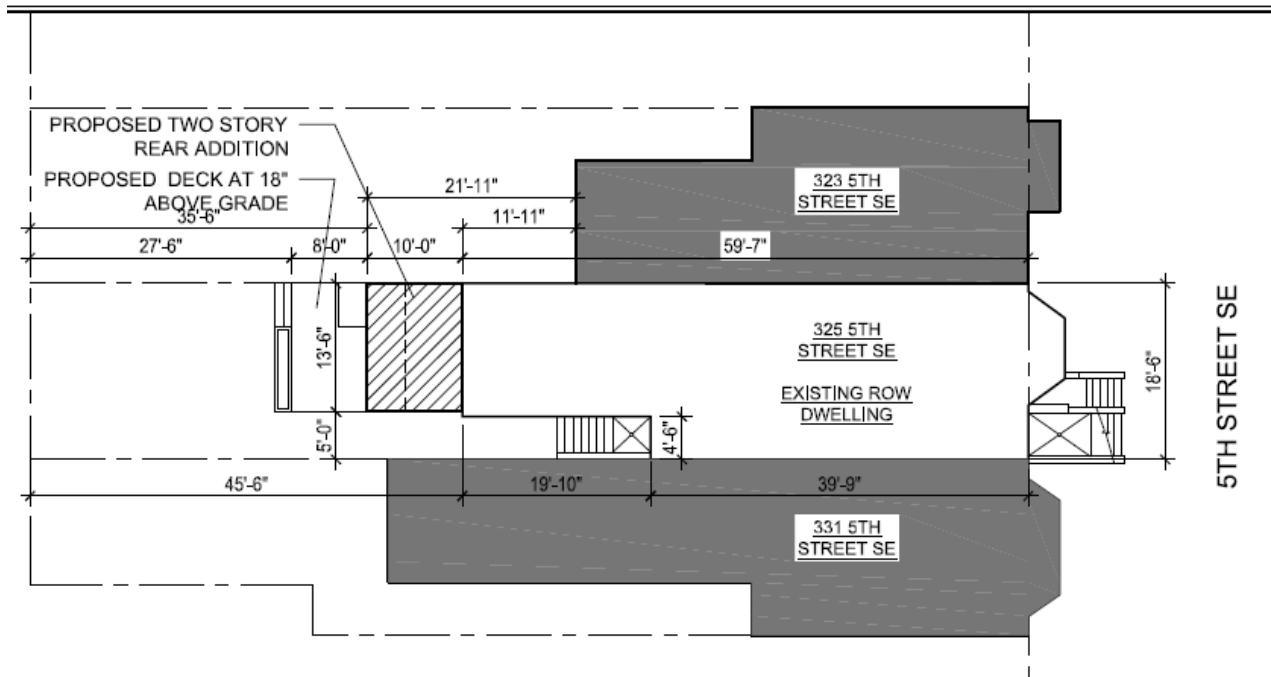
Proposal	Demolish existing 13.5 ft. wide, 6 ft. deep rear porches on first and second floors. Construct new 13.5 foot wide, 10 foot deep enclosed first floor addition to kitchen and, above that, a new 13.5 foot wide, 10 foot deep covered porch. .
Requested Relief	§223 - Additions to a One-Family Dwellings or Flats, including within that special exception, relief for lot occupancy and open court width.



IV. ZONING REQUIREMENTS

	Existing	Requirement	Proposed	Relief
Lot Area (§401.3)	1944 sf	1,800 sf	No change	Conforming
Lot Width (§ 401.3)	18.5'	18'	No change	Conforming
Height (§ 400.1)	40 ft. max 3 story limit	< 40 feet 2 stories	No change	Conforming
Lot Occupancy (403)	60.8% 934.6 sf	40% by right 70 % by S.E. 1,185.8.1 sf	63.3 % by S.E. 1,185.8.1 sf	Requested (+3.6%, but w/in § 223
Rear Yard (404.1)	46.6'	20'	0'	Requested
Side Yard (405.1)	N/A	N/A	N/A	Conforming
Open Court, Closed (406)	4.5 ft.	at least 6 feet	4.5 ft. and 5 ft.	Requested for 1 to 1.5 ft.
2001.3	Non-conf. for lot occ. &	No additions increasing or	Addition increases lot occupancy non-conformity	Requested

	open court	extending non-conformities	and extends open court non-conformity, but to a lesser degree	
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V. 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 addition is proposed to a single family house in a zone including the § 223 for the requested relief.

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

The proposed addition would add three feet to the depth of the existing house, enclose all of that depth on the first floor, and leave an open-covered porch on the second floor. The applicant's shadow studies demonstrate that, while some additional shadow would likely be cast on the rear

yard of the lot to the north, the impact would be of limited duration on both a daily and annual basis, and should not unduly impact the light and air available to the north-adjacent property. The proposed addition could lessen an intrusion on privacy at the first floor level, as an open porch would be replaced by a wall that would screen reciprocal views between the applicant's and the neighbor's property; if a window is included on the north wall of the addition, it would be no less than six feet above the level of the floor. The additional three-feet of porch depth on the second floor is not likely to generate a significant privacy impact over and above that of the the existing rear porch.

The proposed would make the applicant's house approximately one foot deeper than the house to the south, which is now two feet deeper than the applicant's house. There would be one south-facing window that would replace what is now an open porch on the ground level. Again, there would not be an undue impact on the light, air or privacy available to the south-adjacent 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 proposed addition would not be visible from the street and there is not rear alley. The addition is subject to design review through the Historic Preservation Review Board.

- (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 submitted elevations, floor plans and photographs that illustrate the proposed addition and its surroundings.

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.*

With the proposed addition the lot occupancy would be 63.3%.

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.*

OP recommends no special treatments or conditions.

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

The applicant does not propose to introduce a nonconforming use.

VI. HISTORIC PRESERVATION AND COMMENTS OF OTHER AGENCIES

The proposed design has been given preliminary review by the Historic Preservation Review Board. OP is not aware of comments from any other District agency.

The Architect of the Capitol's review found that the requested relief is not inconsistent with the intent of the CAP/R-4 zone overlay and would have no adverse effect on the legislative branch precinct.

VII. COMMUNITY COMMENTS

The owners of the north-adjacent property have requested party status in opposition to the application.

The applicant has furnished OP with a letter of support from the owner of the south-adjacent property. The case file includes a letter of support from a nearby, but not adjacent, neighbor.

ANC 6B's Planning and Zoning Committee voted on April 7, 2015 to support the requested relief. The full ANC will consider the application on April 20, 2015.