

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 27, 2015

SUBJECT: BZA Case 18939 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 915 C Street NE.

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 (63% existing; 60% max. permitted; 70% proposed);
- § 406.1 Open Court (4 feet 4 inches existing; 6 feet min. required; 5 feet proposed); and
- § 2001.3 Nonconforming Structures

The Subject Property is also nonconforming to lot area. The Zoning Administrator has determined that this relief is not required for an addition on an existing lot.

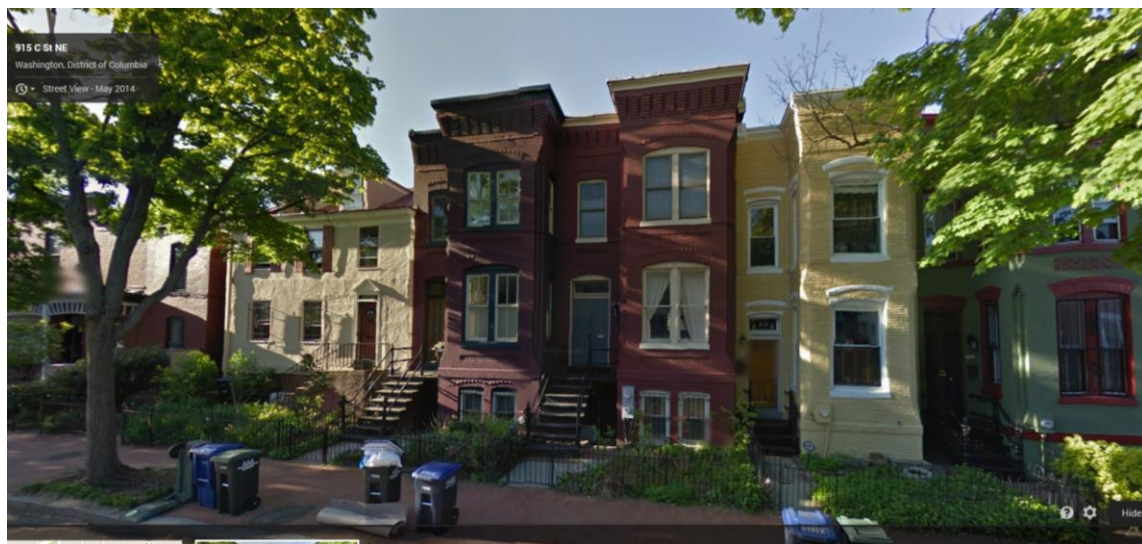
II. LOCATION AND SITE DESCRIPTION:

Address:	915 C Street NE (the “Subject Property”)
Legal Description:	Square 939, Lot 802
Ward:	6
Lot Characteristics:	The rectangular lot is 17 feet wide along the C Street NE frontage and 75 feet deep. The total lot area is 1,306 square feet.
Zoning:	R-4
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Adjacent properties are rectangular lots consisting generally of row dwellings and accessory structures.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Amy Nazarov (the “Applicant”)
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Proposal:	The Applicant proposes to construct a two-story covered porch on the rear of an existing row house. To maximize the size of the porch, the Applicant proposes to set the porch back 5 feet from the property line on the west side, (that portion of the open court would not count towards the lot coverage). Historic Preservation staff reviewed and supports the proposed project.
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 ft.	25 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	17 ft. 4.75 in.	17 ft. 4.75 in.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,306 sq.ft.	1,306 sq.ft.	Existing nonconforming
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	63.7%	70%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	27 ft.	20 ft. 6 in.	None required
Side Yard (ft.) § 405	NA	NA	NA	None required
Open Court § 406	4 in./ft. of height of court, but not less than 6 ft.	4 ft. 4 in.	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 Courts).

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 not affect the light and air available to neighboring properties. First, the porch addition would be located at the rear of the lot and would be separated from the adjacent property at 913 C Street NE by a distance of approximately 5 feet. Second, the property to the west, 917 C Street NE, is separated by an existing 3 foot 9 inch open court. The structure at 917 C Street extends 13 feet beyond the existing house at 915 C Street. The proposed addition would have some impact on the available light in the open court at 917 C Street, but should not impact the house or rear yard on that property. Lastly, the neighboring properties to the south of 915 C Street NE are separated from the Subject Property by rear yards, garages, and a public alley.

¹ Information provided by applicant.

- (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. The proposed two story porch would extend only 6 feet 8 inches beyond the existing structure. In regard to 913 C Street, the proposed porch would not extend as far into the rear yard as that property's 8 foot 6 inch deep two-story deck. Further, the existing privacy fence would remain along the shared property line with 913 C Street. In addition, the existing 3 foot 9 inch open court would continue to separate the proposed porch from the neighboring property at 917 C Street. The properties to the south would be separated from the proposed addition by rear yards and existing garages across the alley.

- (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 porch would not be visible from C Street NE. The proposed addition would not 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.*

The Applicant has provided graphical representations, including a site plan, building elevations, 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 the new and existing structures would be 70%, which is permitted as a special exception in the R-4 District.

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 would be a rowhouse, which is permitted in the R-4 zone.

VI. COMMUNITY COMMENTS

At its regularly scheduled meeting on January 8, 2015, ANC 6A voted 8-0 to support the Applicant's request.

Letters of support have been provided by several neighbors, including those immediately adjacent to the Subject Property.