

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: March 21, 2015

SUBJECT: BZA Case 18963 - Expedited Request Pursuant to 11 DCMR § 3118 for Special Exception Relief Under § 223 to Construct an Addition to an Existing Flat at 72 Seaton Place, NW

I. RECOMMENDATION

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

- § 403 Lot Occupancy (60% maximum; 64% existing and proposed);
- § 406 Court Width (12' minimum; 4'6" existing and proposed); and
- § 2001.3 Additions to Non-conforming Structures (must comply with lot occupancy, must not extend an existing non-conformity; does not comply with lot occupancy, extends non-conforming court).

II. LOCATION AND SITE DESCRIPTION

Address	72 Seaton Place, NW
Legal Description	Square 3106, Lot 96
Ward, ANC	5, 5E
Lot Characteristics	Typical rectangular rowhouse lot; 16'8" x 90'; 15' BRL on Seaton Place; 20' alley at rear
Zoning	R-4 – rowhouses and flats
Existing Development	Flat, permitted in this zone
Historic District	None
Adjacent Properties	Adjacent properties are also rowhouses; Surrounding neighborhood is mostly rowhouses, with some commercial on 1 st Street, to the west

III. PROJECT DESCRIPTION IN BRIEF

The applicant seeks zoning relief to expand the existing attic into a useable third floor.

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing ¹	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	32 ft.	36 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16 ft. 8 in.	No change	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,500 sq.ft.	No change	None required
Floor Area Ratio § 401	None prescribed	n/a	n/a	None required
Lot Occupancy § 403	60% max.	64%	64%	Requested
Rear Yard (ft.) § 404	20 ft. min.	20 ft.	20 ft.	None required
Side Yard (ft.) § 405	None required	None	No change	None required
Court § 406	12 ft. min.	4 ft. 6 in.	No change	Requested
Additions to Non-conforming structures § 2001.3	Must conform to lot occupancy; Must not extend existing non-conformity	n/a	Does not conform to lot occupancy; Extends existing non-conforming court	Requested

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.

Two-family dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of § 403, § 406 and § 2001.3.

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;

The light and air available to nearby properties should not be unduly impacted. The addition would likely create some additional morning and afternoon shadow on

¹ Information provided by applicant.

properties to the west and east, respectively, but not more than would be expected in a rowhouse neighborhood in the District.

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

The privacy of nearby properties should not be unduly impacted. According to the applicant's written statement the addition would not have any windows on the sides. The proposed 3rd floor rear deck would likely not have significant view lines to adjacent properties and would not extend out further than the existing porch.

- (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 have minimal visibility from the street and would not be inconsistent with the character of the alley.

- (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 application includes photographs and some elevation drawings. As of this writing the application does not include floor plans or a rear elevation.

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 structure would be 64%.

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 application includes no information about lighting on the proposed deck. If lighting is to be provided, OP recommends that it be designed to cast light downward on the deck only, in order to minimize light spill onto adjacent properties.

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

The existing use, a flat, is a matter-of-right use and would continue in the future.

VI. COMMUNITY COMMENTS

As of this writing the Office of Planning has not received any communications from the community.

VII. ATTACHMENT

Vicinity Map

