



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: July 14, 2015

SUBJECT: BZA Case 19030 – 1826 12th Street, NW

I. RECOMMENDATION

With regards to this proposal to build an addition to an existing rowhouse structure, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

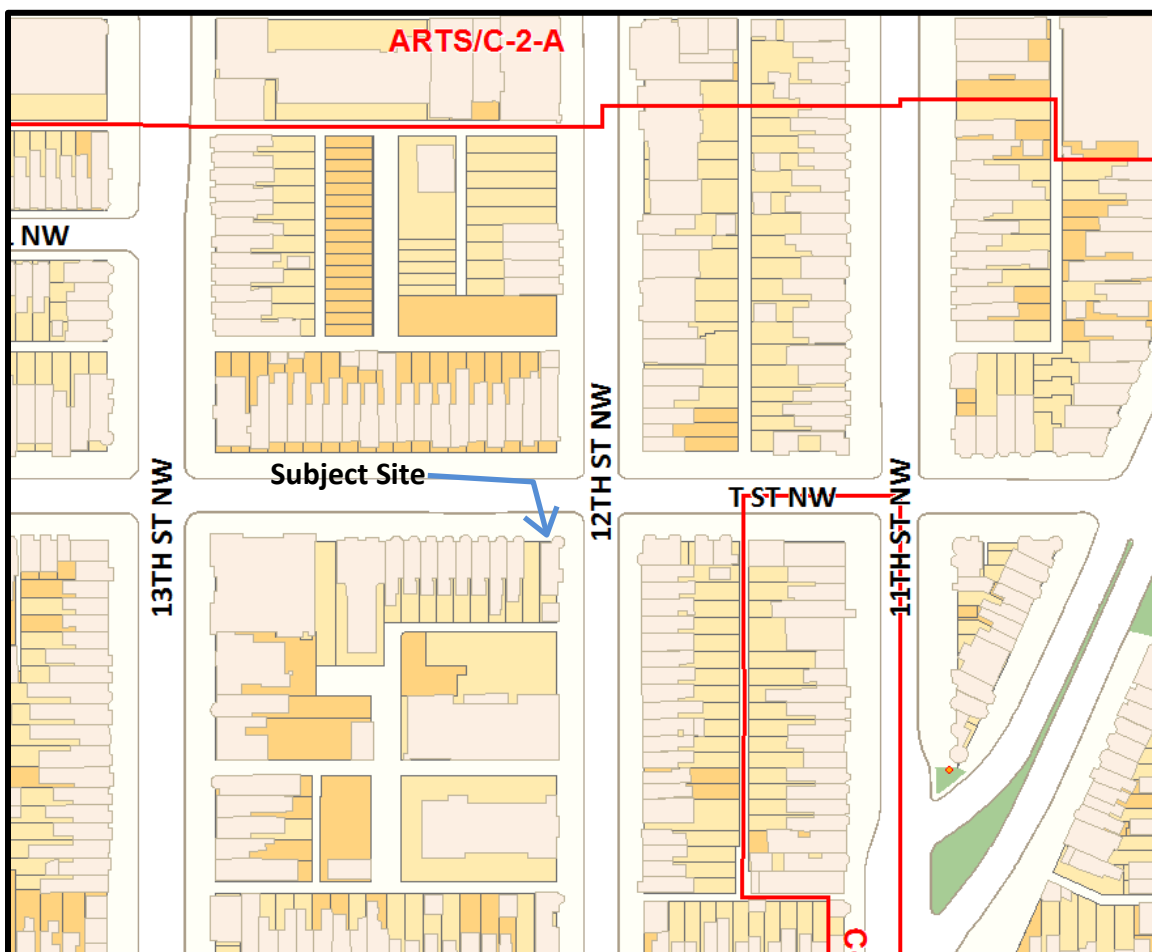
- § 403, Lot Occupancy (60% maximum, 89% existing, 67% proposed);
- § 2001.3, Additions to Non-conforming Structures (Must conform to lot occupancy; does not conform to lot occupancy).

II. LOCATION AND SITE DESCRIPTION

Address	1826 12 th Street, NW
Legal Description	Square 275, Lot 51
Ward and ANC	1, 1B
Lot Characteristics	Rectangular corner lot – ~17' x 80'; Alley access at rear.
Zoning	R-4 – single family rowhouse; flats permitted as a matter-of-right
Existing Development	Single family rowhouse
Historic District	U Street Historic District
Adjacent Properties	Vacant property to the west under construction to create a flat; Parking lot across the alley to the south, and the Thurgood Marshall Community Center beyond
Surrounding Neighborhood Character	Mainly rowhouse structures in the immediate vicinity, with a mix of moderate to medium density apartment buildings; commercial on U Street to the north.

III. PROJECT IN BRIEF

Applicant	Unified Investments, LLC
Proposal	Construct an addition on the third floor of an existing structure and convert the single family use to a flat.
Requested Relief	§223 - Additions to a One-Family Dwellings or Flats



IV. ZONING REQUIREMENTS

Item	Requirement	Existing	Proposed	Relief
Height § 400	40', 3 stories	37.2', 3 stories	No change	Conforming
Lot Area § 401	1,800 sf	1,377 sf	No change	Existing Non-conforming
Lot Width § 401	18'	17.21'	No change	Existing Non-conforming
Lot Occupancy § 403	60%	89%	67%	Requested
Rear Yard § 404	20'	25.9'	No change	Conforming

Item	Requirement	Existing	Proposed	Relief
Side Yard § 405	None	None	No change	Conforming
Additions to non-conf. structures § 2001.3	Must conform to lot occ.	Does not conform	Lower lot occ., but still non-conforming	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.*

The existing use of the property is for a single family dwelling. The applicant proposes to add a rear addition at the third floor level and convert the building to a flat, a matter-of-right use in the R-4 zone. The roof of the garage would be removed to decrease the lot occupancy of the property. In order to build as proposed, the application requests special exception relief under § 223 from the requirements of § 403, Lot Occupancy, and § 2001.3, Additions to Nonconforming Structures.

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;*

Light and air available to neighboring properties should not be unduly affected. The proposed third floor addition would only add a small amount of morning shadow to the building under construction to the west. 12th Street provides a buffer between the subject site and any other homes to the east. The flow of air to neighboring properties would not be impacted.

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

The addition would have windows, but the new windows would face the rear yard and the street so should not unduly impact the privacy of neighboring properties.

- (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 construction of the rear third story addition would be accomplished in a way that would blend in with the architecture of the existing building and neighborhood. The Historic Preservation Review Board (HPRB) is also reviewing the design for compatibility with the U Street Historic District.

- (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 67%.

- 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

The project has received preliminary approval from the HPRB.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

As of this writing OP has not received any comments from the community.