

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 1, 2015

SUBJECT: BZA Case 19135 - request for special exception relief under § 223 to allow a rear addition to a flat, pursuant to Section 3104.1 under § 223

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403 Lot Occupancy (60% maximum permitted, 69% existing and proposed)
- § 406 Open Court (7 ft. min. width required: 5.2 ft. (134.7 sf.) - existing and proposed); and
- § 2001.3 Addition to a nonconforming structure; which would expand the extent of the existing non-conformities

to permit the addition to the flat as proposed at 1118 E Street, S.E. The existing property is also non-conforming for lot area (1,800 square feet (minimum) required, 1,683 existing) and lot width (18 feet (minimum) required, 16.83 feet existing).

II. LOCATION AND SITE DESCRIPTION

Address	1118 E Street, SE
Applicant	Greg Dotson and Janine Benner (Owners)
Legal Description:	Square 0992, Lot 0056
Ward:	6/ANC 6B 04
Lot Characteristics:	The lot is a narrow rectangular lot, elevated at the E Street frontage. The first floor is at grade with the rear yard and 15-foot wide alley (Walker's Court)
Zoning:	R-4 attached (row) and semi-detached single-family dwellings.
Existing Development:	The lot is developed with a flat, permitted in this zone.
Historic District:	The property is within the boundaries of the Capitol Hill Historic District.
Adjacent Properties:	The subject property is one of twelve row dwellings on the square, aligned in an east-west direction, with frontage on E Street S.E.
Surrounding Neighborhood Character:	The neighborhood is primarily a row house district within the Capitol Hill Historic District, north of Pennsylvania Avenue, east of 11 th Street and west of 12 th Street, S.E.

Board of Zoning Adjustment

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CASE NO. 19135

EXHIBIT NO. 27

III. PROJECT DESCRIPTION IN BRIEF

The owners are proposing to enclose an existing rear porch and construct a second floor addition above the area of the enclosed first level. Both additions would not extend beyond the existing footprint of the porch, which currently aligns with the rear of the abutting homes to the west and east.

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed¹	Relief:
Height (ft.) § 400	35ft. max.	28.4 ft.	28.4ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16.83 ft.	16.83 ft.	Existing non-conformity
Lot Area (sq.ft.) § 401	1,800 sq. sf. (min.)	1,683sq.ft.	1,683sq.ft.	Existing non-conformity
Floor Area Ratio § 401	None prescribed	-	-	None required
Lot Occupancy § 403	60 % max.	69 %.	69 %	Relief required
Rear Yard (ft.) § 404	20 ft. min.	34.2 ft.	34.2ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Court § 406	4 in. per foot of height of court, but not less than 6 ft.	5.2 ft.	5.2 ft.	Relief required

VI. 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.

The property has existing nonconformities due to its lot occupancy and open court, which would not be exceeded. The proposed addition would conform to use and structure requirements.

¹ Information provided by applicant.

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 the abutting properties would not be unduly impacted. The proposed addition would not exceed the current structure's footprint, which aligns with the neighboring properties. The proposed addition at both levels would maintain the existing effective separation of 8 feet currently enjoyed between the subject property and the neighbor to the west (1116 E Street, S.E.). No adverse impact to the light and air to the property to the east (1120 E Street, S.E.) is anticipated, since the addition would fill in the area west of the existing

party wall between the properties and align with the rear wall (Exhibit 7, Pages A-7 and A-8).

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

For similar reasons, the use and enjoyment of the abutting neighbors should not be compromised unduly beyond what currently exists. Windows would be included on the east elevation, facing the neighbor to the west (1116 E Street, S.E), and windows exist on the west elevation of the neighbor's property. Correspondence in support of the applicant's proposal from that neighbor is submitted to the record (Exhibit 11).

The addition would align with the property to the east and should not impact the privacy unduly, beyond what currently exists (Exhibit 7, Pages A-7 and A-8).

(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 addition would not be visible from the E Street frontage and should not have an adverse impact as viewed from dwellings in Walker's Court at the rear.

(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 required plans, elevations and photographs are submitted to the record and noted as Exhibits 6 and 7.

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 existing and proposed lot occupancy would not exceed the 70% maximum permitted under this Section.

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 does not suggest any additional screening for this project.

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

A permitted residential use would be continued on this property.

VII. AGENCY COMMENTS

The District Department of Transportation's comments are submitted as Exhibit 25.

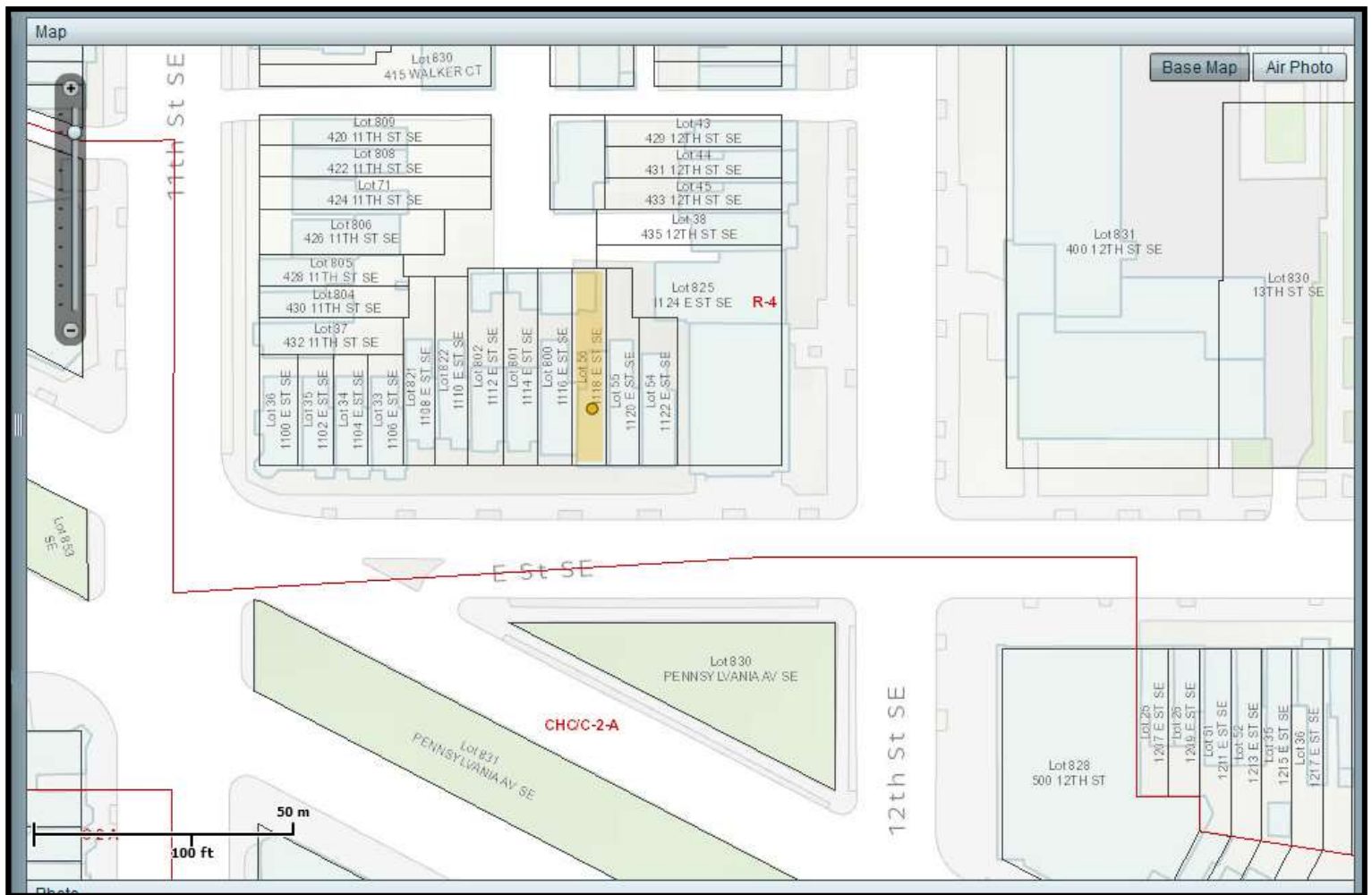
The Office of Historic Preservation staff informed that the minor addition would not require review by the Historic Preservation Board (HPRB).

VIII. COMMUNITY COMMENTS

A statement in support of the request from the neighbor at 1116 E Street, S.E. is submitted to the record under Exhibit 11.

The ANC's comments were not included in the record at the writing of this report.

Attachment: Location Map



LOCATION AND ZONING MAP