

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: February 3, 2015

SUBJECT: BZA Case 18928 - Special exception relief under § 223 to construct an addition to an existing row house dwelling located at 115 V Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, Percentage of Lot Occupancy (60% required, 55.5% existing, 67.3% proposed); and

It appears relief from §2001.3 (b) Additions or Enlargements to Nonconforming Structures is required as the existing row dwelling is nonconforming in terms of lot occupancy.

II. LOCATION AND SITE DESCRIPTION

Address:	115 V Street NW
Legal Description:	Square 3119 Lot 0036
Ward/ANC:	5/5E
Lot Characteristics:	The rectangular lot is 1,564 sf in area and has a frontage of 17 feet on V Street NW. The rear of the lot is also approximately 17 feet in width and abuts a 15-foot wide public alley. A 10’ public alley abuts the Property to the east.
Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Predominantly row dwellings. The Prospect Hill Cemetery is a few blocks to the east and Howard University is located a few blocks to the west.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Jaime Zaldivar by Vivian M. Fernandes, Architect
Proposal:	The Applicant requests an approximately 500 sf addition to the existing third floor.

Board of Zoning Adjustment

District of Columbia

CASE NO. 18928

EXHIBIT NO. 28



Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats
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IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	>38 ft.	38 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	17 ft.	17 ft.	Existing nonconformity; None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,564 sq.ft.	1,564 sq.ft.	Existing nonconformity ; None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403.2	60% max.	67%	67 %	Relief required
Rear Yard (ft.) § 404	20 ft. min.	20 ft.	20 ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Open Court Width (ft.) §406.1	None	0'	0'	None 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 requests special exception relief under § 223 from the requirements of §403 Lot Occupancy. Additionally, it appears that relief from §2001.3 Additions or Enlargements to Nonconforming Structures is required as the residence is nonconforming with regard to lot occupancy.

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 third-floor addition and roof deck will not substantially affect the light and air available to neighboring properties. There is an alley immediately adjacent to the Property to the east. The neighbor to the west currently does not appear to currently have roof access, according to

¹ Information provided by the Applicant.

available aerial maps. The addition does appear to be 10' in height near the rear of the existing residence and as such, perhaps some additional shadowing will occur in areas near the Property during the day. However, it is unlikely to pose substantial or undue impact on light and air as the addition is within the allowable height limit.

(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 as currently, it does not appear there is a roof deck on the residence to the west. It does appear there may be roof decks on residences located across the 10' alley to the east of the Property; however due to the separation of distance & raised parapet walls, it does not appear the privacy of use and enjoyment of neighboring properties will be affected.

(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 will not substantially visually intrude upon the character, scale and pattern of houses along the street or alley frontage; however it will be visible from both the alleys and V Street NW. It is in keeping within the zoning height limit and will be constructed of materials that are generally compatible with the surrounding area (brick, metal railings).

(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 site plans, plans, 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 existing structure is 67.7% and with the third-floor addition will continue to be 67.7% which is more than the 60% required by right. Relief is requested by the Applicant.

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 recommend special treatment for the proposed deck in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby 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 residential use is permitted in the R-4 District. The proposed deck is an extension of the existing residential use and thus conforms district use requirements.

VI. COMMUNITY COMMENTS

Adjacent neighbors: Letters of support were not included in the record at the time of the writing of this report.

Ward/ANC: The property is within ANC-5E. The Applicant intends to present the request to ANC-5E on January 20, 2015.

Attachment: Location Map

