

SUPPLEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: September 21, 2017

SUBJECT: BZA 19539: OP SUPPLEMENTAL REPORT

Application of 74 R Street LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exception from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structures requirements of Subtitle C § 202.2, to allow retention of an addition to an existing one-family dwelling being converted into a conforming flat in the RF-1 District at 74 R Street N.W. (Square 3101, Lot 57).

I. BACKGROUND

The applicant originally submitted an application for variance relief from the following:

- E § 304.1 (60% maximum, 70% by special exception; 66 % existing; 70.17% proposed); and
- C § 202.2 Addition to a nonconforming structure;

At that time, the applicant’s justification for the requested variance relief could not be supported by OP (Exhibit 37). The OP report (Exhibit 37) did not make a recommendation as the applicant had not presented a compelling argument for the variance relief.

At the scheduled public hearing on 7/26/2017, the Board decided to continue the hearing for supplemental information by the applicant to support the variance request. The applicant subsequently informed OP on 08/23/2017 via email that the applicant had planned to revise the application to special exception relief, including removal of the stairs and reduction of the lot occupancy to under 70%. OP received the revisions on 9/21/2017. Therefore, the following analysis is based on the revised application, Exhibit 44 - 47.

Proposed Development	The applicant is proposing to complete the renovation and conversion of the one-family dwelling to a flat, including a third story addition, and infill of a former court. The property, prior to the third-floor addition and extension was a nonconforming structure at 66% lot occupancy. The lot occupancy is now proposed at 69%, permitted by special exception in this zone.
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II. RECOMMEDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- E § 304.1 - Lot Occupancy (60% permitted, 66% existing; 69% proposed); and
- C § 202.2 - Addition to a nonconforming structure.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RF-1	Regulation	Existing	Proposed	Relief
Height E § 303	35 ft.; 40 ft. max by special exception	35 ft.	35 ft	None required
Lot Width § 201.1	18 ft.	16.67 ft.	16.67 ft.	Existing nonconforming
Lot Area § 201.1	1,800 sq. ft. min.	1,500 sq. ft.	1,500 sq. ft.	Existing nonconforming
Lot Occupancy § 304.1	60 % max. (900 sq.ft.)	66% (990 sq.ft.)	69 % (1,035 sq.ft.)	Special Exception
Rear Yard § 306.1	20 ft. min.	28 ft.	22 ft.	None required
Side Yard § 307.1	5 ft. min., if provided	0 ft.	0 ft.	None required

IV. OFFICE OF PLANNING ANALYSIS

E § 304.1, C § 202.2

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The addition would expand the lot occupancy of the nonconforming row structure up to 69%.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The project proposes an addition to a residential building, including conversion from a single-family dwelling to a flat.

5201.3 *An applicant for special exception under this section shall demonstrate that the proposed 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 abutting neighbors at #72 and #76 R Street should not be affected since the addition would not extend beyond the rear walls of those residences. While it seems that #76 has at-risk windows to its east facing façade, they would not be shuttered by the proposed addition.

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

Privacy to abutting neighbors would not be affected as the rear wall of the subject property would not exceed the abutting rear walls of the neighbors. No rear decks are proposed and there is a six-foot privacy fence at grade level in the rear yard.

(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;

The proposed addition would not be out of character with other residences as viewed from the alley. The addition would not be visible from the street.

(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; and

The applicant submitted all relevant graphical representations and photos of the proposed addition as required.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The proposed lot occupancy would not exceed 70%.

5201.4 *The Board of Zoning Adjustment 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 special treatment in design or screening for the project.

5201.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The proposed use as a flat is permitted in this zone.

5201.6 *This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The project including the proposed addition retains the existing three stories and 35 feet height.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department's comment is submitted as Exhibit 38 to the record.

VI. COMMUNITY COMMENTS

The Bloomingdale Civic Association voted to approve the application on June 26, 2017 (Exhibit 40). The ANC 5E's recommendation in support was submitted to the record (Exhibit 41).

Adjacent neighbors: Exhibit 31 includes a letter in support from the neighbors at 76 R Street N.W.