Memorandum

To: **Office of Zoning**
District of Columbia

From: **Jay/ Patricia Adelstein**
Owner/ Applicant

Date: NOV 3 2004

Subject: **BZA Application No. 17248 - Adelstein Addition**
315 Seventh Street , N.E. (Square 894, Lot 0029)

Jay and Patricia Adelstein, owners and residents of 315 Seventh Street NE, apply for a special exception to build a two-story addition on the rear of their row house. The aspects of the proposed project that falls outside the current zoning regulation are as follows:

The proposed construction raises the lot occupancy from 1180 SF to 1244, which is 9.9% over the allowed lot occupancy for a row-house in the CAP R-4 Zoning District (11 DCMR 403.2) and 3.9% over the existing lot occupancy; and

The proposed construction extends the northern wall of the existing porch by 5 feet 4 ¾ inches and extends the five (5) foot width of the preexisting open court, rather than the minimum six (6) foot minimum width of an open court required for a one-family dwelling in an R-4 zone (11 DCMR 406.1).

I. Summary

A. Special exception qualifies under 11 DCMR Section 223 because the lot occupancy for the R-4 does not exceed 70% (11 DCMR 223.3) and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2).

B. The proposed addition seeks to extend the eastern wall of the residence 5 feet 4 ¾ inches beyond the current porch.

C. Proposed addition approximates the current lot coverage and lot footprint of the two adjacent neighbors immediately north of 315 7th Street NE.

D. Proposed addition is in excess of 10 foot shorter than the approximately length of the adjacent apartment building south of 315 7th Street NE.

BZA
Case No. 17248
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 17268
EXHIBIT NO. 3

II. Bases for Grant of Special Exception

Section 223 provides relief based on satisfying specific criteria under which additions to single-family dwellings may be permitted with a residential district. Those criteria are addressed separately below:

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the applicable area 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 two-story addition is to a permitted single-family residence that is not currently in conformance with Section 403.2 (lot occupancy).

The proposed addition will be on the rear (eastern) portion of the existing building. The existing structure has a lot occupancy of 66% which will be increased to 69.9% with the proposed addition. This is a 9.9% increase over the matter-of-right lot occupancy allowed in the R-4 district, 3.9% over the current footprint of the residence, but is below the 70% allowed by Section 223.3 as a special exception.

223.2 The addition 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 light and air available to neighboring properties shall not be unduly affected by this project because the addition is modest in size (i.e., 5 feet 4 ¾ inches beyond the current porch). The addition approximates the footprints of the two neighbors immediately north of the dwelling and is in excess of ten feet shorter than the length of the apartment building adjacent to the dwelling to the south.

The existing building has an open court whose width is 5-feet from the northern property line. Although the proposed addition will be two stories high, there will be 10 feet 8 inches between the proposed addition and the existing house to the north which should be sufficient to prevent the addition from casting any shadows or blocking light and air to the adjacent property. The width of the open court of the proposed addition would be the same as the width of the open court on the southern side of the adjacent property to the north.

The dwelling to the south is an apartment building. It shares a common wall and property line with portions of the subject dwelling, but not with the portions of the existing kitchen area, the existing porch, and the proposed addition to the subject property. The width of the open court of the apartment house adjacent to the existing kitchen area, the existing porch, and the proposed addition is 6 feet 8 inches. The space between the proposed addition and the apartment building should be sufficient to prevent the addition from casting any significant shadows or blocking any significant amounts of light and air to the adjacent property.

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

The proposed addition will be an extension of the existing building and will be set back

enough so as not to permit direct views from the addition. The proposed addition will not have any windows on the south side and will have two (2) clerestorey windows on the north side. The proposed windows on the north side will not cause any new visibility issues to the neighboring property. Privacy is also assured because of existing fences between the properties.

(c) the addition, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and apttern of houses along the subject street frontage; and

The building addition will not be visible from eyesight level from any public street or alley. The addition is shielded by the existing garages behind the subject house and the garages behind the two neighboring dwelling, as well as the fence/gates for all three dwelling units. Large mature trees in the subject house and the adjacent house to the north also obscure visibility.

(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 to adjeacent buildings and views from public ways.

Photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways are enclosed.

If you require any further clarification or have any questions regarding our application, Jay Adelstein is available any time to discuss them with you. Thank you for your attention to this matter.

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