

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: September 26, 2008
SUBJECT: BZA Case 17822 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 1165 3rd Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of this application pursuant to § 223 to permit a rear yard addition to a row dwelling at 1165 3rd Street, N.E., requiring special exception relief to § 404 to permit a 15.855 foot deep rear yard (20 feet required) and to permit a lot occupancy of 69 percent.

II. LOCATION AND SITE DESCRIPTION

Address	1165 3 rd Street, N.E.
Legal Description	Square 773, Lot 270
Ward	6
Lot Characteristics	Lot Area: 809 square feet Lot Width: 14.75 feet Rear Alley: 15-foot width
Zoning	R-4: row dwellings, conversions and apartments
Existing Development	Two-story row dwelling, permitted as a matter of right within the R-4 district
Historic District	N/A
Adjacent Properties	North, South & East: Row dwellings in R-4 district West: Across 3 rd Street, Uline Arena in C-M-1 district
Surrounding Neighborhood Character	East of 3 rd Street and north of M Street the neighborhood is primarily residential. West of 3 rd Street the neighborhood is primarily industrial.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17822

EXHIBIT NO. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.17822
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III. PROJECT DESCRIPTION IN BRIEF

Applicant	Matthew S. Pickner
Proposal	Construction of a 10-foot deep two-story rear addition
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-4 district	Regulation	Existing ¹	Proposed ¹	Relief
Height § 400	40 ft. max.	22 ft.	22 ft.	None required
Lot Width § 401	18 ft. min.	14.75 ft.	14.75 ft.	None required
Lot Area § 401	1,800 SF min.	809 SF	809 SF	None required
Floor Area Ratio § 401	None prescribed	N/A	N/A	N/A
Lot Occupancy § 403	60% max. 70% with § 223 relief	51 %	69 %	9 %
Rear Yard § 404	20 ft. min.	25.855 ft.	15.855 ft.	4.145 ft.
Side Yard § 405	None if none provided	None	None	None required
Court § 406	N/A	N/A	N/A	N/A

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 district. The Applicant is requesting special exception relief under § 223 from the requirements of § 404, Rear Yard, and § 403, 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:

¹ Information provided by applicant.

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposed building addition would reduce the rear yard by slightly more than four feet. A rear yard of almost 16 feet would be maintained. The addition would not block or extend across windows or entrances into any adjoining properties. Therefore, light and air available to neighboring properties should not be unduly affected.

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

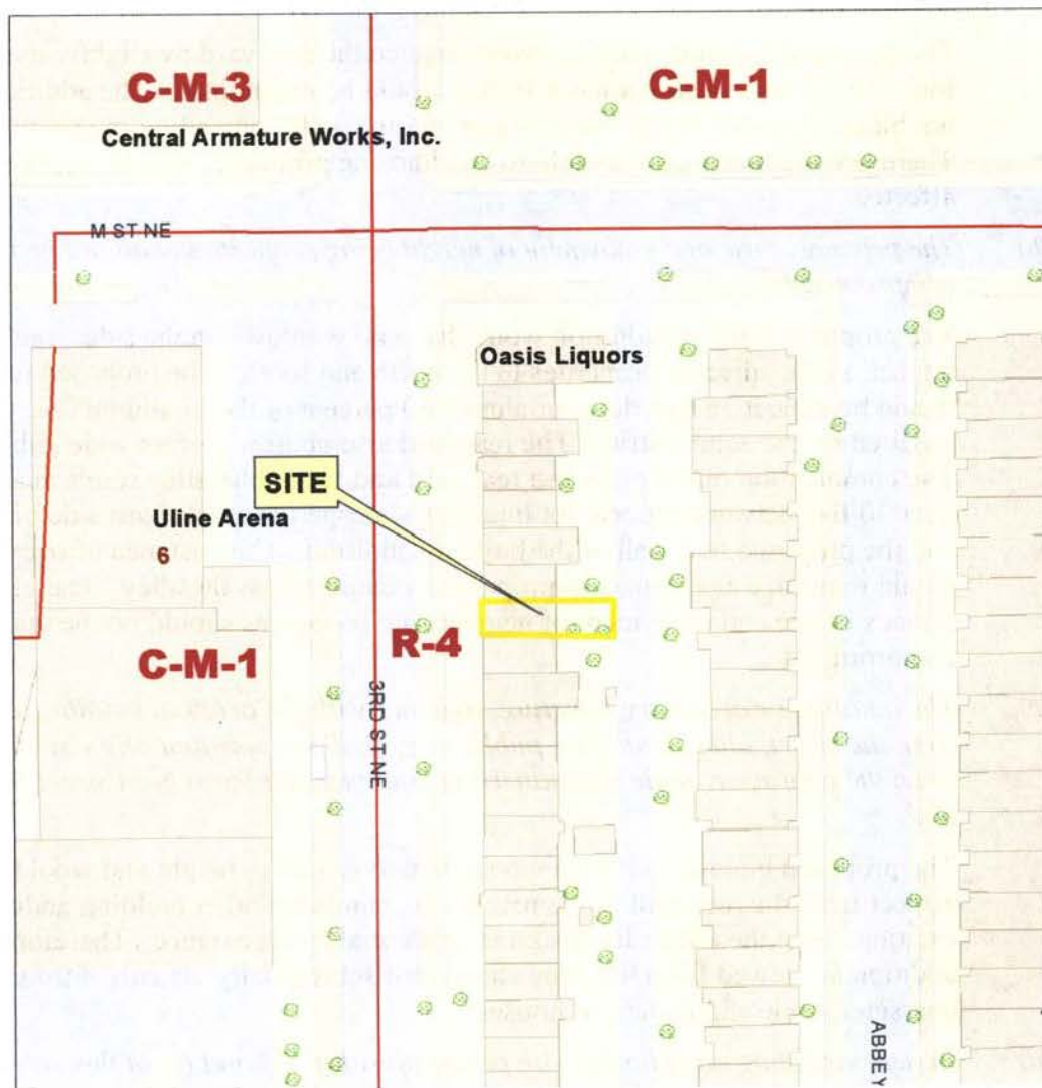
The proposed building addition would have no windows on the sides, minimizing the impact on the adjacent properties to the north and south. The proposed rear yard would be almost 16 feet deep, or almost 80 percent of the minimum rear yard required by the zone district. The rear yard also abuts a 15-foot wide public alley. The combination of the proposed rear yard and the public alley result in a distance of over 30 feet between the rear lot lines of the properties on the east side of the alley and the proposed rear wall of the building addition. This distance of over 30 feet would minimize any impact to properties located across the alley. Therefore, privacy of use and enjoyment of neighboring properties should not be unduly compromised.

- (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 proposed building addition would be two stories in height and would extend out 10 feet from the rear wall of the row house, similar to other building additions existing along the alley. Its design is residential in appearance. Therefore, the addition as viewed from the alley should not substantially visually intrude upon the character, scale and pattern of houses.

- (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.*

Plans, photographs and drawings were submitted as a part of the application.



Vicinity Map

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 proposed lot occupancy is 69 percent, less than the maximum 70 percent permitted.

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.*

The Office of Planning makes no recommendations for special treatment.

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

This application is for the use of the subject property as a row dwelling and would not result in the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS

ANC 6C, at its regularly scheduled meeting of July 9, 2008, voted to support the application.

One community resident submitted a letter in opposition to the application.

js/sjm^{AICP}
Case Manager: Stephen J. Mordfin, AICP