

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: February 5, 2016

SUBJECT: BZA Case 19074 - request for special exception relief under § 223 at 1329 Holbrook Street NE, to allow the construction of a two-story rear garage addition and a covered walkway to an existing one-family dwelling

I. LATE REQUEST

This report concerning BZA Case 19074 is being submitted less than seven days prior to the BZA's re-scheduled Public Meeting. The Office of Planning respectfully requests that the Commission waive its rule and accept this report into the record.

OP was under the impression that the applicant would withdraw the case, or request further postponement of the hearing, pending resolution of issues regarding existing and proposed construction within the building restriction area. However OP was informed February 5, 2016 of their intent to now proceed forward with the hearing.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) is not opposed in concept to the following special exception relief pursuant to § 223:

- § 404.1 Rear Yard (20 feet required; 55 feet existing; 2 feet proposed)

However, the application is particularly sparse in details with little justification of the requested relief, there are important inconsistencies in the drawings, and there appear to be significant outstanding issues regarding both existing and new construction within a building restriction area. The applicant requested a postponement of the hearing in 2015, to provide time to work with the DCRA and DDOT on these issues, but to date there is nothing in the record indicating that this has happened. As such, any OP support should not be considered as an endorsement at this time of approval for any encroachments into the building restriction area, and the portion of the addition that requires the requested rear yard relief is expected to be fully outside the building restriction area, as shown on the plans, Exhibit 6 and not within the building restriction area as shown on the survey plan, Exhibit 3.

III. LOCATION AND SITE DESCRIPTION:

Address:	1329 Holbrook Street NE (the "Subject Property")
Applicant	Alexander Hastings (the "Applicant")
Legal Description:	Square 4073, Lot 82

Ward:	5
Lot Characteristics:	The rectangular lot is 31 feet wide along the Holbrook Street NE frontage and 110 feet deep along Oates Street NE. A 20 foot wide public alley is located to the rear. There is a 10 foot wide building restriction area along Holbrook Street, and a 15 foot wide building restriction area along Oates Street.
Zoning:	R-4: Permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), churches and public schools.
Existing Development:	Semi-detached dwelling, permitted in this zone. There is current no garage, but is a parking pad off the existing alley at the rear.
Historic District:	N/A
Surrounding Neighborhood Character:	The area is characterized by rowhouses.

IV. PROJECT DESCRIPTION IN BRIEF

The Applicant proposes to construct two and three story additions to the existing dwelling, including a connected structure at the rear of the property that does not comply with the minimum rear yard setback requirement; other additions to the building appear to conform to zoning regulations but extend out into the building restriction area. A proposed covered walkway would connect the new garage to the main house and would provide a meaningful connection, so that it is considered part of the main building. Accordingly, the rear yard would be reduced from its current 55 foot setback to a two foot setback.

The garage portion would have upper stories, creating a second unit on the property, which is permitted in the R-4 zone. Although the information was not provided, OP assumes that the existing structure is a single family, and with the addition, it would become a flat. The property, at over 3,600 square feet is large enough that a third unit would be permitted by special exception pursuant to Section 336, but this was not requested by the applicant.



The existing front porch and stairs are located beyond the property's Building Restriction Line (BRL). The proposed rear addition and garage would also appear extend beyond the BRL, although the submitted drawings are not clear and are not entirely consistent. All of these encroachments will require separate approvals.



Subject Property

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	24 ft.	24 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	34.58 ft.	34.58 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	3,607 sq.ft.	3,607 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	23.5%.	42.2%	None required
Rear Yard (ft.) § 404	20 ft. min.	55 ft.	2 ft.	Relief required
Side Yard (ft.) § 405	5 ft. min.	8 ft.	8 ft.	None 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.*

¹ Information provided by applicant.

Row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 404, rear yard for an addition that will include a second unit, also permitted in this zone.

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;*

The proposed addition would not appear to affect the light and air available to neighboring properties. The addition would be located at the rear of the lot, adjacent to a 20 foot wide public alley, and would be well separated from the adjacent primary dwellings by Holbrook Street to the north, and the alley to the east.

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

Although the drawings are not clear, it appears that the new unit above the new garage would have windows facing the existing house and Oates Street, not the neighboring houses or yards, so impacts on privacy should be minimal

- (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 addition would be visible from Oates Street, and from the public alley, and because it is connected to the house, it is taller than a typical accessory building in a rear yard. However, it is designed to be generally residential in character, and would be generally aligned with houses along Oates Street, provided the building restriction line is maintained.

- (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 a site plan, building 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.*

According to the applicant, the lot occupancy of all new and existing structures on the lot would be 42.2%, which is less than 60% permitted in the R-4 District.

- 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 does not recommend special treatment for the garage / second unit addition in the way of design, screening, exterior or interior lighting, building materials, or other features from 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 proposed use is a flat, which is permitted in this District.

VII. COMMUNITY COMMENTS

The record includes a number of letters of support for the proposal, as well as a letter from the then Chair of ANC 5D indicating ANC support provided neighbors were also in support.