

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: March 1, 2016

SUBJECT: BZA Case 19194 - request for special exception relief under § 223 to permit a two-story addition with covered walkway and garage to a nonconforming structure.

I. OFFICE OF PLANNING RECOMMENDATION

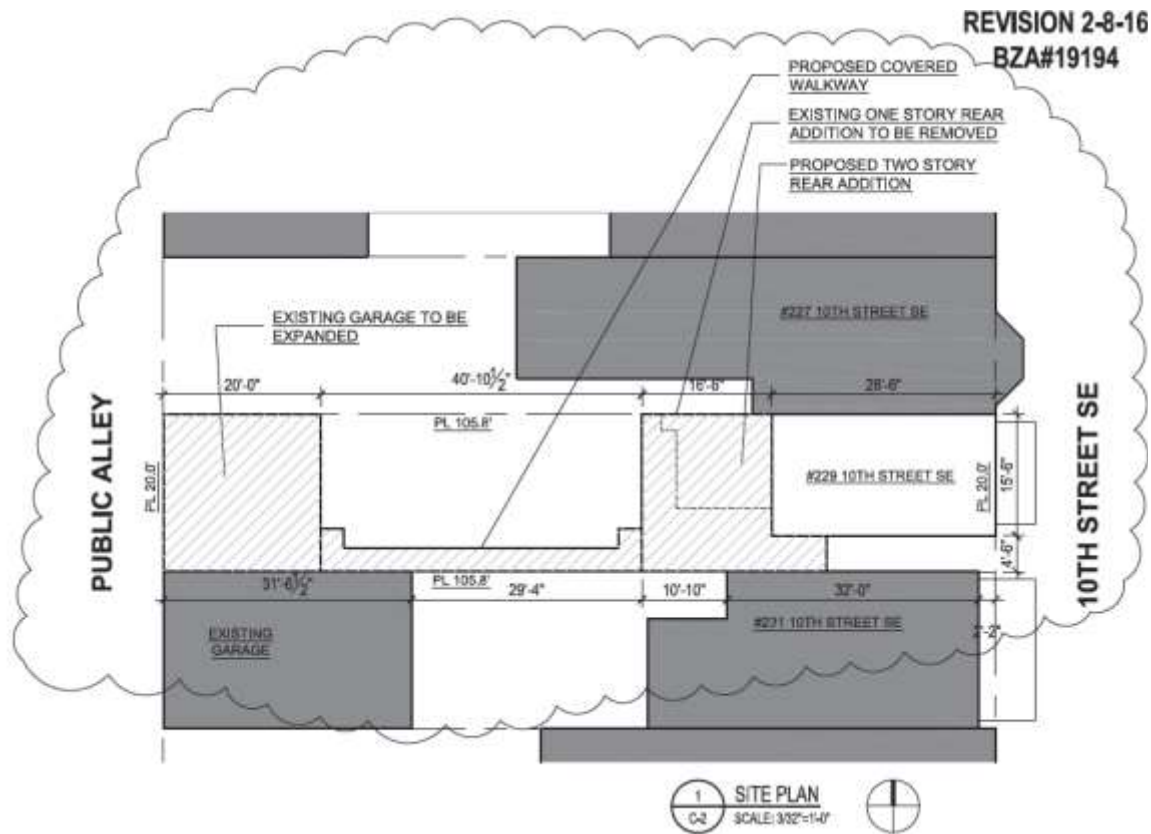
The Office of Planning (OP) recommends **approval** of the following special exception pursuant to § 223:

- § 403.2 Lot Occupancy (60% max. permitted, 67.8% proposed);
- § 404.1 Rear Yard (20 feet required, none proposed);
- § 406.1 Open Court (6 feet required, 4.5 feet proposed) and
- § 2001.3 Addition to a non-conforming structure.

II. LOCATION AND SITE DESCRIPTION:

Address:	229 10 th Street, SE
Applicant	Utlu Aslanturk (Jennifer Fowler, Architect)
Legal Description:	Square 0944, Lot 0039
Ward / ANC:	6/ANC 6B05
Zone:	R-4 – Single-family dwellings.
Historic District or Resource:	Capitol Hill Historic District (Contributing Structure).
Lot Characteristics:	The 2,117 square foot lot is flat and rectangular in shape and abuts a 20ft. wide public alley.
Existing Development:	Single-family dwelling, permitted in this zone.
Adjacent Properties:	The subject property shares party walls with a row dwelling on either side of the north and south property line.
Surrounding Neighborhood Character:	The neighborhood is located in the Capitol Hill Historic District, which primarily consists of single-family row homes and flats and some small apartment buildings.

Proposed Development:	The owner proposes to renovate the existing home with a two story rear addition, covered walkway and garage (with 2 nd story living space). The addition would convert the existing semi-detached row-house into an attached row-house, with a 4.5 feet wide non-conforming open court.
-----------------------	--



III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 400	35 ft. max.	21ft. 4ins.	29 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	20 ft.	20 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sf. min.	2,117 sf.	2,117 sf.	None required
Floor Area Ratio § 401	None prescribed	-	-	None required
Lot Occupancy § 403 Semi-detached row Attached row	40 % max. 60% max.	52.8 %.	67.8%	Requested
Rear Yard (ft.) § 404	20 ft. min.	65 ft. 3 ins.	0 ft.	Requested
Side Yard (ft.) § 405	None required	-	-	None required
Court § 406	6 ft. min.	None	4.5 ft.	Requested

IV. 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.*

Single-family dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403, 404, 406 and 2001.3, as the structure would become non-conforming due to the proposed open court and a zero rear yard setback created by the covered walkway connection between the garage and the main house.

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 light and air to neighboring properties should not be unduly affected as the main house's two-story addition would not extend beyond the rear of the abutting residences at #227 and # 231 10th Street SE, as can be seen in the submitted plans as shown (Exhibit 23). The two story garage abutting the alley at the rear would also not have an adverse impact to the light and air of the neighboring properties as it would be more than 20 feet from the rear elevations of the main residences of the abutting neighbors (Refer to Site Plan reproduced on page 2).

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

Windows are not proposed on the north or south elevations of the two-story additions, which face the residences at # 227 and #231 10th Street SE. Therefore the privacy and use of enjoyment of the neighboring properties should not be compromised beyond what currently exists among those neighboring properties. The proposed addition to the garage would also be separated from residences to the south by the 20-foot wide alley and other garages at the rear.

(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*

Historic Preservation staff determined that the proposal was consistent with the Historic District, as viewed from the rear and along the 10th Street frontage where the addition forms part of the court. The proposal (HPA 16-207) was placed on the consent calendar of the Historic Preservation Review Board's meeting on February 25, 2016.

- (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's submission included plans and the requisite elevations and photographs to represent the proposed addition and its relation to adjacent properties.

- 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 at 67.8% would not exceed the maximum permitted (70%) lot occupancy under this provision.

- 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.*

No special treatment or screening would be necessary for the protection of adjacent 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 and proposed single-family use conforms to the zone district.

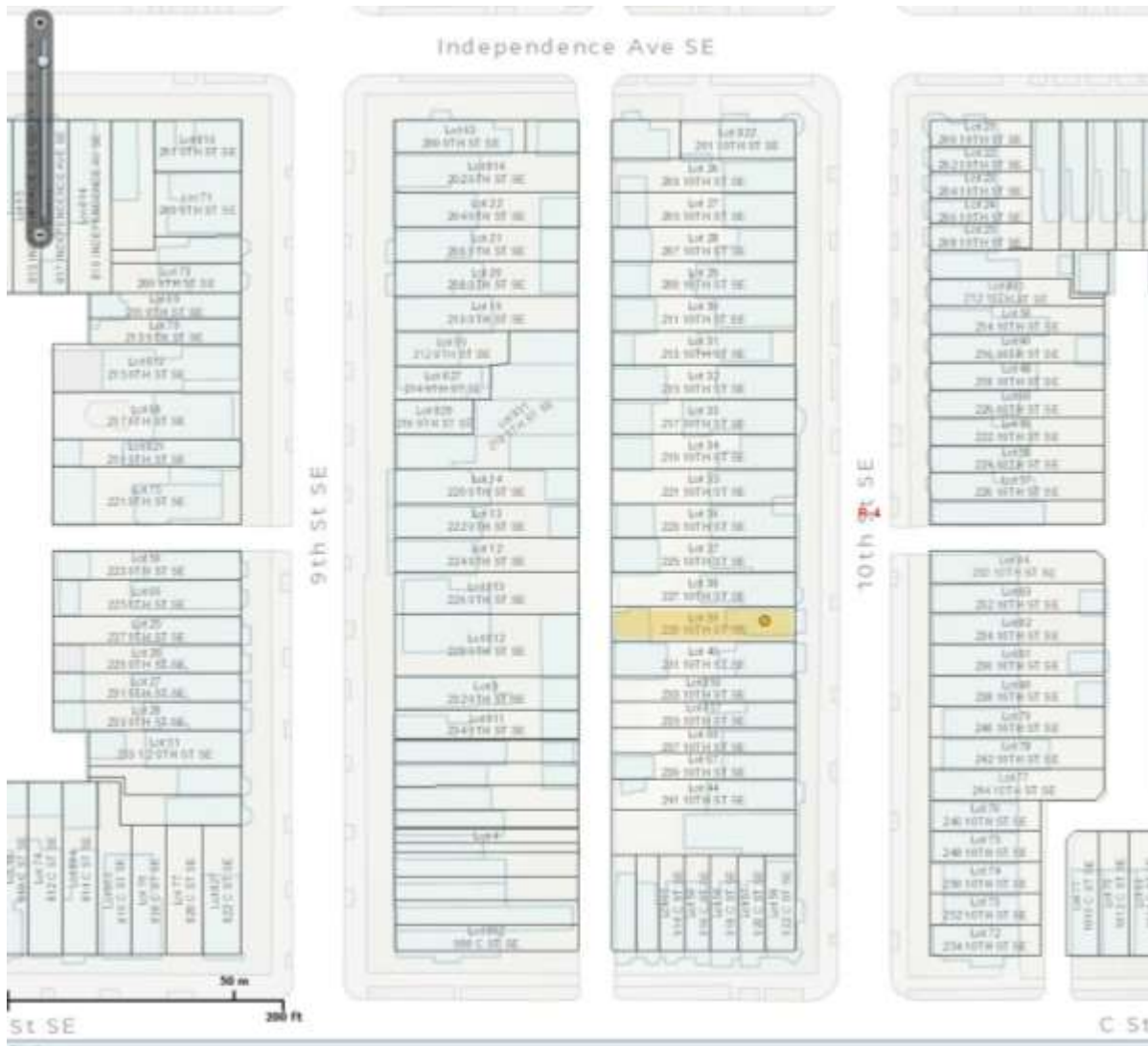
V. COMMENTS OF OTHER DISTRICT AGENCIES

District agencies' reports would be submitted separately to the record.

VI. COMMUNITY COMMENTS

The adjacent neighbors submitted letters in support of the proposed addition, which are included in the record as Exhibits 25, 26, and 29.

The ANC 6B voted to approve the proposed addition at its regularly held meeting on February 9, 2016 (Exhibit #30).



Location Map