

MEMORANDUM

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

SUBJECT: BZA Case #19198 - Special exception pursuant to § 223 to construct two-story addition to an existing row house dwelling located at 230 12th Place NE

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, Percentage of Lot Occupancy (60% required, 60.6% existing, 63.9% proposed);
- § 406.1, Courts (6’ minimum in width is required, 3.5’ existing to be extended a length of 2’-7’); and
- §2001.3 (b) Additions or Enlargements to Nonconforming Structures, as the proposed addition does not conform to the current applicable open court width requirements and furthers the existing nonconforming court.

II. LOCATION AND SITE DESCRIPTION:

Address:	230 12 th Place NE
Legal Description:	Square 1010 Lot 74
Ward/ANC:	6/6A
Lot Characteristics:	The rectangular lot is 1,466 sf in area and has a frontage of 16.286 feet along 12 th Place NE. The rear of the lot is also 16.286 feet in width and abuts a 10-foot wide public alley.
Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill
Adjacent Properties:	Predominantly row dwellings. Maury Elementary School lies east across 12 th Place NE from the Applicant’s property and Lincoln Park is located one square to the south.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Peter Lord and Rebecca Larsen by Jennifer Fowler
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Board of Zoning Adjustment

District of Columbia

Proposal:	The Applicant requests the replacement of an existing two-story covered porch with an 8'x ~13' two-story enclosed rear addition of approximately 205 sf.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	22 ft.	22 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16.25 ft.	16.25 ft.	Existing nonconformity; None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,466 sq.ft.	1,466 sq.ft.	Existing nonconformity ; None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403.2	60% max.	60.6%	63.9%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	35'-4"	32'-4"	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Open Court Width (ft.) §406.1	6' minimum	3.5'	3.5' for an additional 2'-7" in length	Relief Required

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. The Applicant requests special exception relief under § 223 from the requirements of §403 Lot Occupancy, § 406 Courts and §2001.3 Additions or Enlargements to Nonconforming Structures because the nonconforming existing open court width will be lengthened with the proposed addition.

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 the Applicant.

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

The proposed rear addition will not substantially affect the light and air available to neighboring properties. The addition will extend three additional feet into the rear yard from the location of the existing two-story deck. The neighbor to the south enjoys a similar two-story addition that also extends 8' from the existing rear building wall. The Applicant's addition will extend the same distance, so it is unlikely to cause undue light and air impacts to the southern neighbor's property. While the addition may cast additional shadow into the neighbor to the north's rear yard, it is unlikely the three additional feet would cause undue access to light and air, as most of the lots within Square 1010 have significantly greater depths of rear yards than required. The addition will not be visible from 12th Place NE and due to the significant horizontal distance separation of properties to the west via a rear yard of 32' and presence of a 10-foot alley, the properties across the alley would not likely be affected by the addition in terms of light and air.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. Due to the modest size of the proposed addition, lack of windows on the north elevation, and because the addition is enclosed, the proposed addition should not unduly compromise the privacy of use and enjoyment of the neighboring properties.

(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 addition will not substantially visually intrude upon the character, scale and pattern of houses along the street or alley frontage. The addition will not be visible from 12th Place NE. The addition will be visible from the public alley at the rear of the property; however, the size and style of the addition, as well as the use of hardie plank siding and aluminum clad windows would be in keeping with the character of the decks and additions visible from the alley.

(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 site plans, plans, 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.*

The lot occupancy of the existing structure is 60.6% and with the addition, will be 63.9% which is more than the 60% maximum by right limit. Relief is requested by the Applicant.

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.*

OP does not recommend special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for 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 existing residential use is permitted in the R-4 District. The proposed addition is an extension of the existing residential use and thus it conforms to the District use requirements.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant enclosed letters of support from adjacent residents to the north and south located at 232 and 228 12th Place NE, respectively.

Ward/ANC: The property is within ANC-6A. ANC-6A has entered a letter of support for the Applicant's request.

Attachment: Location Map

