

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** March 15, 2016

**SUBJECT:** BZA Case 19222 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 1105 Abbey Place NE.

### **I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 401, lot area (1,800 square feet minimum required; 1,037.38 existing and proposed);
- § 403, lot occupancy (60% maximum permitted; 65% existing; 69% proposed);
- § 404, rear yard (20 feet required; 16 feet 8 inches existing; 13 feet 6.5 inches proposed);
- § 2001.3, expansion of nonconforming structure.

OP notes that the property is also nonconforming with respect to lot width (18 feet minimum required; 16 feet existing).

### **II. LOCATION AND SITE DESCRIPTION:**

|                       |                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address:              | 1105 Abbey Place NE                                                                                                                                        |
| Applicant:            | Gay Hardwick, Applicant on behalf of Robert Bailey, Owner                                                                                                  |
| Legal Description:    | Square 773, Lot 176                                                                                                                                        |
| Ward / ANC:           | 6/6C                                                                                                                                                       |
| Zone:                 | R-4 – detached, attached, semi-detached, single-family dwellings and flats.                                                                                |
| Lot Characteristics:  | Generally rectangular lot bounded by Abbey Place NE to the west, an improved 15 foot alley to the east, and existing row dwellings to the north and south. |
| Existing Development: | Single family row dwelling, which is a permitted use in the zone.                                                                                          |
| Adjacent Properties:  | Single family row dwellings and flats in the R-4 zone.                                                                                                     |

|                                    |                                                                                                                                                                                                                                |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Surrounding Neighborhood Character | The surrounding neighborhood is predominantly single family row dwellings and flats. The railroad tracks leading to Union Station are located to the west of the property, as well as properties in the C-M-1 and C-2-B zones. |
| Proposed Development               | The applicant is proposing to replace an existing addition at the rear of the house.                                                                                                                                           |

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

| R-4 Zone                | Regulation                | Existing      | Proposed <sup>1</sup> | Relief:                |
|-------------------------|---------------------------|---------------|-----------------------|------------------------|
| Height (ft.) § 400      | 35 ft. max.               | 24 ft. 8 in.  | 24 ft. 8 in.          | None required          |
| Lot Width (ft.) § 401   | 18 ft. min.               | 16 ft.        | 16 ft.                | Existing nonconforming |
| Lot Area (sq.ft.) § 401 | 1,800 sq. ft. min.        | 1,037 sq. ft. | 1,037 sq. ft.         | Existing nonconforming |
| Floor Area Ratio § 401  | None prescribed           |               |                       | None required          |
| Lot Occupancy § 403     | 60 % max.<br>70 % (§ 223) | 65 %          | 69 %                  | 9 %                    |
| Rear Yard (ft.) § 404   | 20 ft. min.               | 16 ft. 8 in.  | 13 ft. 6.5 in.        | 6 ft. 5.5 in.          |
| Side Yard (ft.) § 405   | 0 ft. min.                | 0 ft.         | 0 ft.                 | None required          |

### 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 row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 401, lot area, § 403, lot occupancy, §404, rear yard, and § 2001.3 nonconforming structures to construct a three-story addition. The existing single family row dwelling features two nonconforming open courts that would be removed as a result of the proposed construction.

*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:*

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<sup>1</sup> Information provided by applicant.

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

The light and air available to neighboring properties should not be unduly affected. The proposed three-story addition would be the same depth as the existing addition it would replace. The Applicant is proposing to construct a new 38 square foot deck at the first floor. While the proposed deck would extend beyond the footprint of the existing structure, it would be open in design and should not affect the light or air available to neighboring properties.

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

The proposed addition would not have windows on the sides; therefore, the privacy of neighbors 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 addition would be clad in a hardie siding and would be similar in character to the finish of other rear elevations in the area. As viewed from the alley, the proposed addition should not visually intrude upon the character, scale and pattern of houses along the public 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 provided sufficient information, including plans, photographs, and elevations to demonstrate compliance with paragraphs (a), (b) and (c) of this subsection.

*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 is currently 65%. The proposed addition would increase the lot occupancy to 69%, which would remain below the maximum permitted lot occupancy of 70%.

*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 is recommended.

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

The house would continue to be used as a single family residence and would not permit the introduction of a nonconforming use if the requested special exceptions are approved.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments from other District agencies had not been received at the time this report was drafted.

## **VI. COMMUNITY COMMENTS**

The Applicant provided letters in support of the application from the properties at 1112, 1113, 1120, and 1121 Abbey Place NE. (See Exhibit 2)

ANC 6C voted 5-0-0 at its regularly scheduled monthly meeting on February 11, 2016 to support the subject application. (See Exhibit 23)