

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** May 17, 2016

**SUBJECT:** BZA Case 19260 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing semi-detached dwelling at 3240 19<sup>th</sup> Street NW.

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

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

- § 403, lot occupancy (40% permitted, 50% proposed).

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

|                                     |                                                                                                                                                                                                                                               |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address:                            | 3240 19 <sup>th</sup> Street NW                                                                                                                                                                                                               |
| Applicant:                          | Catarina Ferreira, AIA, agent on behalf of Phil and Elizabeth Ash, owners                                                                                                                                                                     |
| Legal Description:                  | Square 2617, Lot 0827                                                                                                                                                                                                                         |
| Ward / ANC:                         | 1 / 1D                                                                                                                                                                                                                                        |
| Zone:                               | R-4 – row dwellings, conversions, and apartments. The property is developed with a semi-detached dwelling that is being used a single-family residence, which is a permitted use in the R-4 zone.                                             |
| Historic District or Resource:      | Mount Pleasant Historic District                                                                                                                                                                                                              |
| Lot Characteristics:                | The lot is triangular in shape and measures 3,008 square feet in area. The lot fronts on 19 <sup>th</sup> Street NW and there is an improved 15-foot alley to the south and west. To the north is an adjoining property also in the R-4 zone. |
| Existing Development:               | The property is developed with a two-story semi-detached dwelling.                                                                                                                                                                            |
| Adjacent Properties:                | The property to the north is developed with a row dwelling.                                                                                                                                                                                   |
| Surrounding Neighborhood Character: | The surrounding neighborhood is residential in nature and is developed with row dwellings.                                                                                                                                                    |
| Proposed Development:               | The Applicant is proposing to construct a rear deck addition.                                                                                                                                                                                 |

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

| R-4 Zone                 | Regulation         | Existing        | Proposed <sup>1</sup> | Relief:                   |
|--------------------------|--------------------|-----------------|-----------------------|---------------------------|
| Height (ft.) § 400       | 35 ft. max.        | 28 ft. 2 in.    | 28 ft. 2 in.          | None required             |
| Lot Width (ft.) § 401    | 30 ft. min.        | 53 ft. 3 in.    | 53 ft. 3 in.          | None required             |
| Lot Area (sq. ft.) § 401 | 3,000 sq. ft. min. | 3,008 sq. ft.   | 3,008 sq. ft.         | None required             |
| Floor Area Ratio § 401   | None prescribed    |                 |                       | None required             |
| Lot Occupancy § 403      | 40% max.           | 40%             | 50%                   | <b>Relief requested</b>   |
| Rear Yard (ft.) § 404    | 20 ft. min.        | 40 ft. 11.5 in. | 20 ft.                | None required             |
| Side Yard (ft.) § 405    | 8 ft. min.         | 2 ft. 6 in.     | 2 ft. 6 in.           | Existing<br>nonconforming |

### 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.*

Semi-detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §403 for lot occupancy. A semi-detached dwelling in the R-4 zone is permitted a maximum lot occupancy of 40%. The Applicant is proposing to construct a deck that would increase the lot occupancy to 50%.

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:*

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

The Applicant is proposing to construct a deck at the rear of the property, which is separated from the adjoining properties to the south and west by a 15-foot alley. The proposed deck would feature an open railing and should have minimal impact on the light and air available to the property to the north.

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

The proposed deck would be located at the rear of the property and would not encroach on the required rear yard. The adjacent property to the north has a rear deck that is removed from the property line, which provides separation from the proposed deck at the subject property. A 15-foot alley separates the subject property from the neighboring properties to

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

the south and west. The 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 rear deck addition, as viewed from the alley, should not visually intrude upon the character, scale and pattern of houses. Rear decks are characteristic of the neighborhood. The Historic Preservation Review Board approved, in concept, the rear deck addition at its January 22, 2015, regular meeting.

- (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 documentation to represent the relationship of the proposed rear deck 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 proposed lot occupancy would not exceed 50%.

- 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.*

Should the Board grant the relief requested, it would not permit the introduction or expansion of a nonconforming use.

## **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**

ANC 1D voted 5 to 0 at its April 25, 2016, public meeting to recommend that the Board of Zoning Adjustment grant the lot occupancy special exception requested. (See Exhibit 25.)



**Location Map**