

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: June 7, 2016

SUBJECT: BZA Case 19276 - request pursuant to DCMR 11 § 3104.1 for special exception relief under § 223 to construct a third floor addition to an existing row dwelling at 1234 Duncan 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, lot occupancy (60% maximum permitted, 62.4% existing and proposed);
- § 406.1, open court (6 feet minimum required, 3.58 feet existing and proposed); and
- § 2001.3, expansion of nonconforming structure.

OP also recommends **approval** of the requested special exception relief pursuant to § 3104.1 from § 400.24 to alter the existing mansard and bay gable to construct a third floor addition.

OP notes that the property is also nonconforming with respect to lot width (18 feet minimum required; 15 feet existing) and lot area (1,800 square feet minimum required; 1,018 square feet existing).

II. LOCATION AND SITE DESCRIPTION

Address:	1234 Duncan Place NE
Applicant	Lacy Brittingham, AIA, Agent on behalf of James and Erika Hunter, Owners
Legal Description:	Square 1008, Lot 0078
Ward / ANC:	6 / 6A
Zone:	R-4 – detached, attached, semi-detached, single-family dwellings and flats.
Historic District or Resource:	Not applicable.
Lot Characteristics:	Rectangular lot bounded by a 10-foot improved public alley to the north, Duncan Place NE to the south, and adjoining lots to the east and west.
Existing Development:	Single-family row dwelling, permitted in this zone.

Adjacent Properties:	The adjacent properties are improved with single-family row dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood is predominantly single-family row dwellings and flats. Square 1030 to the east across 13 th Street is in the C-2-A zone.
Proposed Development:	The Applicant is proposing to construct a third floor addition.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	35 ft. max.	24 ft.	30 ft.	Required
Lot Width (ft.) § 401	18 ft. min.	15 ft.	15 ft.	Existing non-conforming
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,018 sq. ft.	1,018 sq. ft.	Existing non-conforming
Floor Area Ratio § 401	None prescribed			None required
Lot Occupancy § 403	60% max.	62.4%	62.4%	2.4%
Rear Yard (ft.) § 404	20 ft. min.	25.47 ft.	25.47 ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Court § 406	6 ft. min.	3.58 ft.	3.58 ft.	2.42 ft.

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 §§ 403.2, 406.1, and 2001.3.

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 third floor addition would result in a six-foot increase in height, which would follow the footprint of the existing structure. The proposed addition would result in an overall building height that is below the 35-foot maximum building height for the zone. Therefore, the proposed

¹ Information provided by applicant.

addition should not unduly affect the light and air available to neighboring properties.

- (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. The proposed addition would result in an increase in height of six feet, which would abut the unoccupied rooftops 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 would be visible from the street, but the Applicant is proposing a mansard roof with a slope that would tie in to the roof slope of the neighboring homes. The Applicant is not proposing to extend the existing bay to the full three-story height, which allows the Applicant to maintain the existing cornice at the second story roof line. The Applicant is replicating the gable form at the third floor. Therefore, the proposed third floor addition should not substantially visually intrude upon the character, scale and pattern of houses along Duncan Place NE.

- (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 62.4% and the proposed addition would not increase the lot occupancy. Therefore, lot occupancy 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 row dwelling 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.

400 HEIGHT OF BUILDINGS OR STRUCTURES

400.23 *In an R-4 Zone District, a building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception, under § 3104, subject to the following conditions, except that if the building is being converted to an apartment house, special exception relief from the thirty-five foot (35 ft.) height limitation is only available pursuant to §§ 336 or 337 as applicable:*

- (a) The applicant shall demonstrate that the overall building or structure height or upper addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*
 - (1) The light and air available to neighboring properties shall not be unduly affected;*
 - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*
 - (3) An addition shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;*
 - (4) An addition shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator; and*
 - (5) The resulting building or structure height, 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;*
- (b) The applicant shall demonstrate that overall building or structure height or an upper addition resulting from the additional five feet (5 ft.) will not have a substantially adverse effect on the defining architectural features of the building or result in the removal of such features; and*
- (c) In demonstrating compliance with §§ 400.23(a) and (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the new or extended building or structure to adjacent buildings and views from public ways.*

400.24 *In an R-4 Zone District, the following provisions shall apply:*

- (a) *A roof top architectural element original to the building such as a turret, tower or dormers, shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;....*

400.25 *Relief from the design requirements of § 400.24 may be approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the conditions of § 400.23(a), (b), and (c).*

In addition to the analysis provided above regarding the review criteria, the Applicant has provided letters from the adjoining property owner at 1232 Duncan Place NE consenting to the extension of the flues located along the dogleg and noting that the two brick chimneys have been abandoned and do not require extension. (See Exhibit 9) The Applicant also has provided a letter from the adjoining property owner at 1236 Duncan Place NE consenting to the extension of the venting of the rooftop furnace. (See Exhibit 10). The Applicant indicates that there are no existing or permitted solar energy systems on adjacent property. (See Exhibit 29)

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 1232 and 1236 Duncan Place NE. (See Exhibit 13 and 28)

ANC 6A voted 8-0 at its regularly scheduled monthly meeting on May 12, 2016 to support the subject application. (See Exhibit 27)

Attachment: Location Map



Location Map: 1234 Duncan Place NE