

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 12, 2017

SUBJECT: BZA Case 19673 - Expedited request pursuant to Y § 401.2 (b) for special exception relief to construct an addition to an existing single-family dwelling at 407 ½ 4th Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to E § 5201:

- E § 205.4 (10 ft. addition beyond the farthest rear wall permitted; 12 feet proposed); and
- E § 304.1 (60% maximum permitted, 65.86% proposed).

II. LOCATION AND SITE DESCRIPTION:

Address:	407 ½ 4 th Street S.E.
Applicant:	Kim Ball
Legal Description:	Square 0793, Lot 012
Ward / ANC:	6/ANC 6B
Zone:	<i>Provide for areas adjacent to the US Capitol precinct predominantly developed with attached houses on small lots</i>
Historic District or Resource:	<i>Capitol Hill Historic District</i>
Lot Characteristics:	The lot is elevated at the street frontage and maintains an even grade from the front towards the rear.
Existing Development:	The property is developed with a single-family, two-story, brick row dwelling.
Adjacent Properties:	The abutting properties are row-dwellings to the north and south of the subject property.
Surrounding Neighborhood Character	The surrounding neighborhood is comprised of a mix of small apartments, schools, institutional uses and row dwellings within the historic district.
Proposed Development	The applicant proposes to construct a two-story rear addition to the existing single-family rowhome.

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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-3 Zone	Regulation	Existing	Proposed ¹	Relief:
Height § 503.2	35 ft. max., 3 stories	19 ft. 8ins.	19 ft. 8 ins.	None required
Lot Width E § 201.1	18 ft. min.	19 ft. 8 ins	19 ft. 8 ins.	None required
Lot Area E § 201.1	1,800 sf	868 sf	868 sf.	Existing nonconforming
Floor Area Ratio	None prescribed	N/A	N/A	None required
Lot Occupancy § 504.1	60 % max.	48.71 %.	65.86 %	Relief required
Rear Yard (ft.) §506.1	20 ft. min.	35.9 ft.	23.9 ft.	None required
Rear Yard/Wall (ft.) § § 205.4, 205.5 <i>A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception</i>	10 ft. max	0 ft.	12 ft.	Relief required

IV. OP ANALYSIS:

Subtitle D Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The Applicant is requesting special exception relief from the lot occupancy requirement and the standard for yards, with respect to rear additions. In this case, the subject property’s rear wall would be extended 12 feet beyond the rear wall of the adjoining neighbor’s property at 407 4th Street SE, which is 2 feet beyond the maximum 10 feet permitted as a matter-of-right.

¹ Information provided by applicant.

5201.2 *Special exception relief under this section is applicable only to the following:*

- (a) *An addition to a building with only one (1) principal dwelling unit; or*
- (b) *A new or enlarged accessory structure that is accessory to such a building.*

The relief would be applied to a row dwelling with one principal dwelling unit.

5201.3 *An applicant for special exception under this section shall demonstrate that the proposed 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 the neighboring property to the south (409 4th Street SE) would not be affected since the addition would not extend past the rear wall of that home. The two-story addition would also be lower than the home to the south.

With respect to the adjoining property to the south at 407 4th Street SE, the proposed addition would extend twelve feet beyond that property's rear wall. However, due to the homes' east/west orientation along this block face and the western exposure of both homes rear yards, the addition should not cast undue shadows to negatively affect the light on that adjoining home.

The property owner at 407 4th Street submitted a letter in support of the addition, at Exhibit 12 of the record.

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

Similarly, the privacy of use and enjoyment of either adjoining home should not be unduly compromised, as no windows are proposed on the southern elevation to impact privacy on the adjoining neighbor's rear yard at 407 4th Street SE. Windows on the rear wall are proposed on the second level to provide light and air to the second story, bedroom. These windows should not compromise the enjoyment or use of that property. A deck or patio is not proposed at that level. The rear yard has six-foot tall wooden fencing to maintain the privacy of use of adjoining neighbors' rear yards.

- (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 was reviewed by both the Historic Preservation Review Board (HPRB) and the Capitol Hill Restoration Society (CHRS), and the project as proposed received approval as being consistent with the character of additions anticipated for the historic district. The applicant intends to supplement the record with HPRB's and CHRS's recommendations, as requested by OP.

(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 plans and photos of the proposed addition, with rear and front views of the residence. OP requested and the applicant agreed to supplement the record with an elevation drawing in accordance with this provision.

5201.4 The Board of Zoning Adjustment 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 suggest any other special treatment for this addition.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

Residential uses and additions thereto are permitted in the RF-3 zone.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed addition would not permit the introduction or expansion of nonconforming height or number of stories as a special exception.

V. COMMENTS OF OTHER DISTRICT AGENCIES

At the writing of this report, the record does not include other District agency comments.

VI. COMMUNITY COMMENTS

The applicant received a letter in support from the most affected neighbor at 407 4th Street SE (Exhibit 12).

ANC 6B regularly scheduled meeting will be held on January 9, 2018 to provide a final recommendation on the application. The application is listed on the ANC's consent calendar.

Zoning and Location Maps

407 1/2 4th Street SE

