

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 6, 2018
SUBJECT: BZA Case 19792 - request for special exception relief pursuant to Subtitle E § 5201.1 to allow the construction of a rear addition

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201 to construct a rear addition to an existing nonconforming structure:

- C § 202.2, nonconforming structures (lot width, lot area, and rear yard);
- E § 304.1, lot occupancy (60% permitted, 59.8% existing; 68% proposed); and
- E § 306.1, rear yard (20 feet required, 18.9 feet existing and proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	220 14 th Place NE
Applicant:	Donohue & Stearns, PLC on behalf of Laura and Michael Furr
Legal Description:	Square 1055, Lot 98
Ward / ANC:	6 / 6A
Zone:	RF-1: The purpose of the RF-1 zone is to allow for detached, attached, semi-detached, single-family dwellings and flats.
Lot Characteristics:	The lot is rectangular in shape and is bounded by adjacent row dwelling lots in the RF-1 zone to the north and south, 14 th Place NE to the west, and an improved 15-foot wide public alley to the east.
Existing Development:	The property is improved with a two-story attached building.
Adjacent Properties:	The adjacent properties are improved with two-story attached buildings.
Surrounding Neighborhood Character:	The surrounding neighborhood is residential in character.
Proposed Development:	The Applicant is proposing to replace an existing one-story addition, fill in the dogleg, and construct a new two-story rear addition.

III. ZONING REQUIREMENTS and RELIEF REQUESTED¹

RF-1 Zone	Regulation	Existing	Proposed ²	Relief:
Height (ft.) E § 303	35 ft. max.	22 ft.	23 ft.	None required
Lot Width (ft.) E § 201	18 ft. min.	14.28 ft.	14.28 ft.	Existing nonconforming
Lot Area (sq.ft.) E § 201	1,800 sq. ft. min.	1,242 sq. ft.	1,242 sq. ft.	Existing nonconforming
Floor Area Ratio	None prescribed	N/A	N/A	N/A
Lot Occupancy E § 304	60% max.	59.8%	68%	Requested
Rear Yard (ft.) E § 306	20 ft. min.	18.9 ft.	18.9 ft.	Requested
Side Yard (ft.) E § 307	None required, but 5 ft. min. if provided	N/A	N/A	None required
Court E § 203	2.5 in./1 ft. height min.	N/A	N/A	None required
Parking C § 701	1 space/dwelling unit	0 spaces	0 spaces	None required

IV. ANALYSIS

Subtitle E 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 relief from the lot occupancy and rear yard requirements.

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

- (a) *An addition to a residential building;*
- (b) *A new or enlarged accessory structure that is accessory to such a building; or*
- (c) *A reduction in the minimum setback requirements of an alley lot.*

The Applicant is proposing to construct a rear addition to an existing attached building.

¹ Information provided by Applicant, Exhibit 19, May 15, 2018.

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 proposed addition would: be constructed lot-line to lot-line at the first floor, replace an existing one-story addition, and fill in an existing dogleg. The second floor of the proposed addition would be set back from the northern property line approximately 3.5 feet. The proposed addition would not extend in to the rear yard to a greater degree than the existing one-story addition. The light and air to neighboring properties should not be unduly affected.

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

The proposed addition would have windows facing the rear yard and alley to the west. The Applicant is proposing one north facing window in the second floor addition that would be setback a minimum of 3.5 feet from the north property line. Therefore, 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;

The proposed addition would not be visible from 14th Place NE, but would be visible from the alley. Other properties in the square have one and two-story rear additions; therefore, the proposed two-story rear addition should not substantially visually intrude upon the character, scale, and pattern of houses along 14th 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; and

The Applicant has provided plans, elevations, and photographs at Exhibits 8 and 7, respectively.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The Applicant is proposing a lot occupancy of 68%, which does not exceed the maximum permitted lot occupancy of 70%.

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 recommend any special treatment at this time.

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

The property is current used as a single-family residence and would continue to be used as a single-family residence, which is a permitted use in the RF-1 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 Applicant is proposing a height of 23 feet, which is within the 35-foot maximum permitted height for the RF-1 zone.

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

Letters in support were submitted from the adjoining property owners at 218 14th Place NE (Exhibit 12) and 222 14th Place NE (Exhibit 13).

ANC 6A voted 5-0 at its regular meeting on June 14, 2018 to support the Applicant's requested relief.

Attachment: Location Map

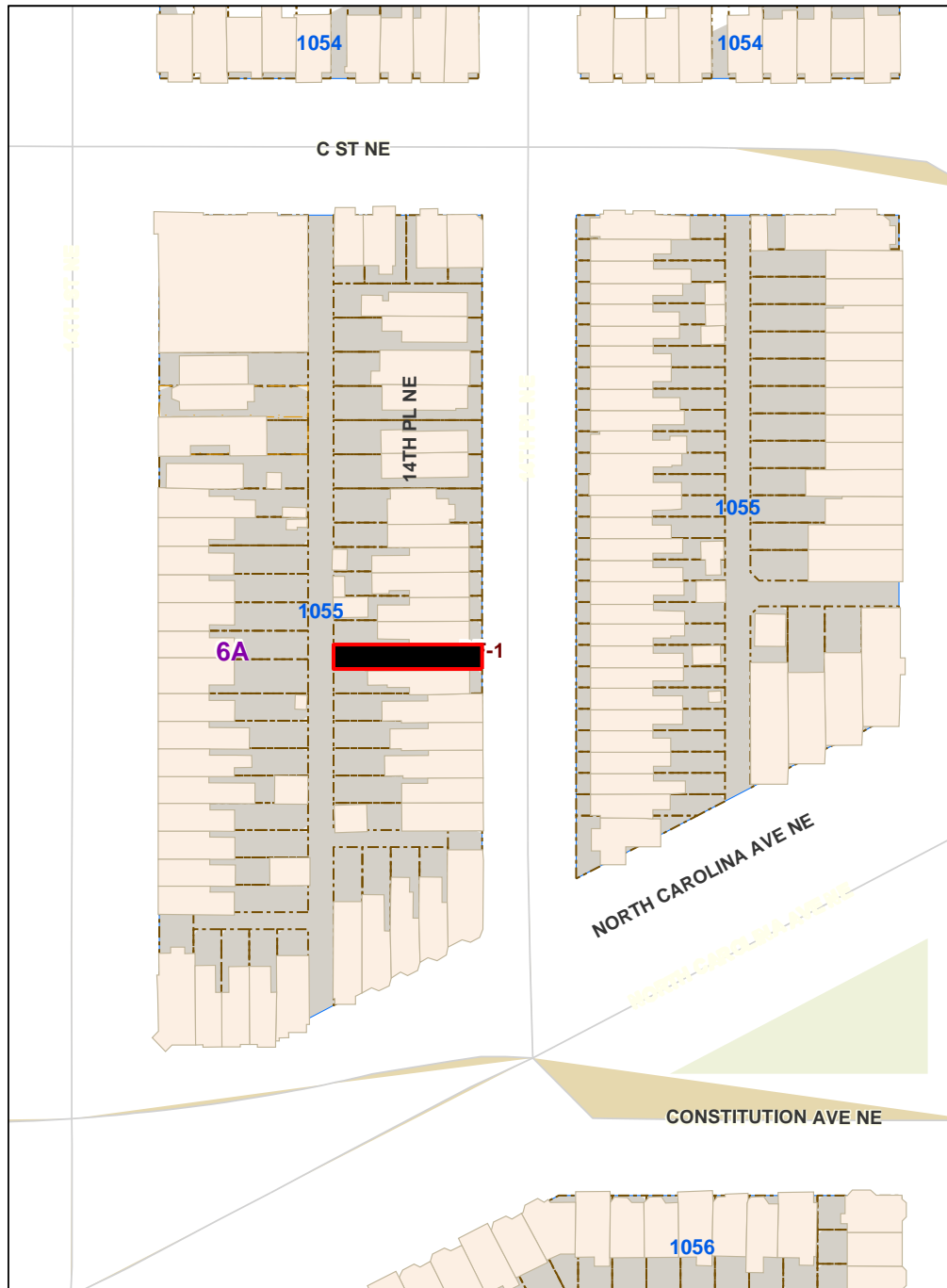


Figure 1: Location Map