

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: October 19, 2018
SUBJECT: BZA Case 19840 - request for Special Exception relief to construct a two-story rear addition and convert the single-family dwelling to a flat at 1119 Abbey Place, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following Special Exceptions pursuant to Subtitle E § 5201:

- Subtitle E § 304.1 Lot Occupancy (60% maximum allowed, 69.74% proposed)
- Subtitle E § 306.1 Rear Yard (20 feet minimum required; 17.35 feet proposed)

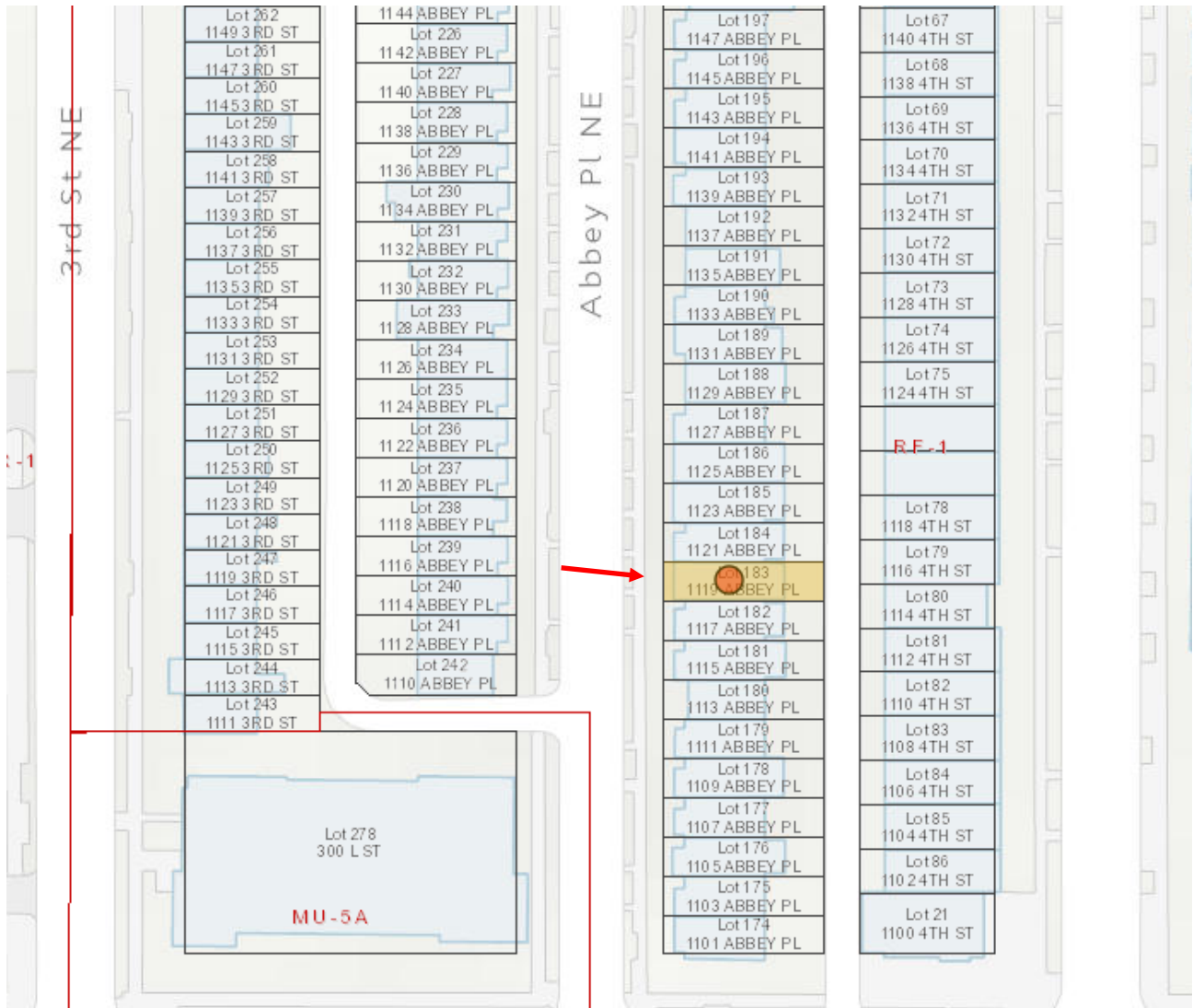
and **approval** of the following Special Exception pursuant to Subtitle C § 703.2:

- Subtitle C § 701.5 Parking (1 full-size space required; 1 non-conforming space proposed)

The Applicant did not request relief from Subtitle C § 202.2 for the expansion of a non-conforming structure but OP would support the relief if it is required.

II. LOCATION AND SITE DESCRIPTION

Address:	1119 Abbey Place, N.E.
Legal Description:	0773 0183
Ward / ANC:	Ward 6/ ANC 6C
Zone:	RF-1
Historic District:	N/A
Lot Characteristics:	1038 SF rectangular lot
Existing Development:	Row dwelling
Adjacent Properties:	There are attached row dwellings to the north and south as well as to the east (across Abbey Place) and west (across the alley).
Surrounding Neighborhood Character:	The subject square is residential and its predominant building type is row dwelling with one apartment building. The character of the surrounding neighborhood includes NoMa, which has a number of commercial and mixed use buildings.



III. PROJECT DESCRIPTION IN BRIEF

The Applicant proposes to construct a two-story addition at the rear of the house. The addition would replace an existing one story enclosed porch and would have a cellar below and a second floor above. The footprint of the addition would be slightly smaller than the existing first floor and would have a new deck with stairs to grade off the rear. The Applicant plans to convert the existing single-family dwelling to two units with the second unit in the renovated and expanded cellar space.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone (Subtitle E)	Regulation	Existing	Proposed ¹	Relief
Height	35 feet	24.33 feet	No change	None requested
Lot Width	18 feet min.	16 feet	No change	Existing non-conformity
Lot Area	1800 SF min.	1038 SF	No change	Existing non-conformity
Rear Yard	20 feet min.	16.79 feet	17.35 feet	Relief requested
Lot Occupancy	60% max.	66.76%	69.74%	Relief requested
Parking	1 full-size space	1 non-conforming space	1 non-conforming space	Relief requested

V. OP ANALYSIS

A. SUBTITLE E § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF 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 has requested special exception relief from the lot occupancy and rear yard provisions.

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 proposal is for an addition to a residential building.

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;*

¹ Information provided by applicant.

The light and air to neighboring properties should not be unduly affected by the proposed rear addition to the house, which would extend 7'6" beyond the existing second floor. The proposed new second story would not extend beyond the existing first floor and the building footprint is being reduced slightly. The new addition would be located at the rear of the house, which is the east side of the property. Behind the subject property to the east is an alley separating the rear yard from the rowhouse that fronts Fourth Street. The adjacent property owners have submitted letters in support of the project.

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

The privacy of neighboring properties should not be compromised by the proposed addition. The plans show no windows on the sides of the rear addition allowing for continued privacy of neighbors. On the rear elevation there would be windows as well as doors leading to a deck with stairs to grade but these should not compromise the privacy of use and enjoyment of the adjacent properties. There would be a rear yard and alley between the addition and the abutting house to the east allowing for privacy. The adjacent property owners have submitted letters in support of the project.

- (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 rear addition would not be visible from the street because it is at the rear of a two-story row dwelling and is lower in height. It would be visible from the alley but it should not visually intrude on the character and scale of the house and the pattern of houses along the alley. The addition has been designed to be in keeping with the character and scale of the subject house and other houses on the block. The addition would not be taller than the existing house or adjacent houses and does not increase the existing footprint of the house.

- (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 provided adequate photos and plans to represent the relationship of the addition to adjacent buildings and public ways.

- (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 proposed lot occupancy would be 69.74%, which is permitted by special exception.

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.

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

The use of the property would continue to be as a single-family residence, which is a conforming use, and no nonconforming use would be introduced.

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 two-story addition is within the maximum height and number of stories permitted as a matter-of-right in this zone.

B. SUBTITLE C § 703 SPECIAL EXCEPTIONS FROM MINIMUM PARKING NUMBER REQUIREMENTS

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

The regulations then state a number of potential conditions (C § 703.2 (a) – (j)) to justify the relief of which the following is the most relevant to this application:

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

Due to the physical constraints of the 1,038 SF substandard lot, the Applicant would still not be able to provide a full-size parking space which requires a depth of 18 feet. The Applicant currently has one non-conforming parking space and would continue to provide that parking space.

703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The Applicant has requested relief because they cannot provide the one required full-size parking space; however, they will continue to provide one space that is non-conforming in size.

703.4 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

At Exhibit 40, DDOT has indicated no objection to the proposed relief.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT comments are filed at Exhibit 40, noting no objection. No comments from other District agencies had been filed at the time of this report.

VII. COMMUNITY COMMENTS

A letter of support from ANC 6C was filed in Exhibit 35. In the letter, the ANC raised a question about the proposed rear deck and lot occupancy calculation. The Applicant subsequently met with DCRA and revised the plans to ensure that the proposed lot occupancy complies with the maximum amount allowed by Special Exception (Exhibit 37). There are four letters of support in the record from neighbors including from the two adjacent property owners (Exhibits 4, 6, 7, and 11).