

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: December 29, 2017
SUBJECT: BZA Case 19622 - request for special exception relief pursuant to Subtitle E § 5201.1 to allow an addition at 1121 Abbey Place NE.

I. RECOMMENDATION

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

- E § 304, lot occupancy (60% required, 64% existing; 64% proposed); and
- E § 306, rear yard (20 feet minimum required; 12 feet 11 inches existing; 12 feet 11 inches proposed).

The applicant has not requested, and OP would not likely support, relief for a roof deck and associated spiral access stair that is shown in the applicant’s revised architectural plans (Exhibit 46) and sight study (Exhibit 45).

II. LOCATION AND SITE DESCRIPTION

Address:	1121 Abbey Place NE
Applicant:	Mark Rivetti, Owner
Legal Description:	Square 773, Lot 184
Ward / ANC:	6 / 6C
Zone:	RF-1, detached, attached, semi-detached, single-family dwellings and flats.
Lot Characteristics:	Rectangular lot measuring 16 feet in width and 64.86 feet in depth. The property is bounded to the north and south by adjoining row dwellings; Abbey Place to the west; and a 15-foot public alley to the east.
Existing Development:	The property is improved with an existing 2-story row dwelling with basement that is being used as a single-family dwelling.
Adjacent Properties:	The adjacent properties are developed with 2-story row dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood is primarily residential in character with mixed-use development to the west in the NoMA neighborhood and to the north at Florida Avenue Market.

Proposed Development:	The applicant is proposing to construct a third floor addition and to replace an existing one-story rear addition with a three-story rear addition. The updated plans also indicate a proposed roof deck for which relief may be required but was not requested.
-----------------------	--

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed¹	Relief:
Height (ft.) E § 303	35 ft. max.	22.5 ft.	34.5 ft.	None required
Lot Width (ft.) E § 201	18 ft. min.	16 ft.	16 ft.	Existing nonconforming
Lot Area (sq. ft.) E § 201	1,800 sq. ft. min.	1,037 sq. ft.	1,037 sq. ft.	Existing nonconforming
Lot Occupancy E § 304	60% max.	64%	64%	Relief requested
Rear Yard (ft.) E § 306	20 ft. min.	12 ft. 11 in.	12 ft. 11 in.	Relief requested
Side Yard (ft.) E § 307	None required, but 5 ft. min. if provided	0 ft.	0 ft.	0 ft.
Parking C §	1 space required	0 spaces provided	0 spaces provided	Existing nonconforming

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 proposing to construct a third floor addition and to replace an existing one-story rear addition with a three-story rear addition. The applicant is requesting relief from the lot occupancy and rear yard requirements to permit the expansion of an existing nonconforming structure. OP analysis is not based on the addition of a roof deck on the updated plans.

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

- (a) An addition to a residential building;*

¹ See Exhibit 5, dated September 4, 2017.

- (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 requesting relief for construction of an addition to an existing 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;*

The proposed rear addition should not unduly affect the light and air available to the neighboring properties. The properties on Abbey Place commonly feature enclosed rear porches, which create a uniform rear building wall that is setback approximately 16 feet from the alley. The proposed three-story addition would be the same depth as the existing one-story addition it would replace.

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

The proposed addition would not have windows on the side elevations; therefore, the privacy of neighbors 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 third floor addition would be set back from the front façade of the house and would be clad in wood siding, fiber cement siding, or stucco. The rear façade would be clad in fiber cement siding. As viewed from the street and alley, the proposed addition should not visually intrude upon the character, scale and pattern of houses on Abbey 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 provided sufficient information, including plans, photographs, and elevations to demonstrate compliance with paragraphs (a), (b) and (c) of this subsection.

- (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 lot occupancy is currently 64%. The proposed addition would maintain the lot occupancy at 64%, which would remain below the maximum permitted lot occupancy by special exception of 70%. The lot occupancy of the proposed third story addition would be 59%, which is also below 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.

No special treatment is recommended.

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

The house would continue to be used as a single-family residence and the proposed addition would not permit the introduction of a nonconforming use if the requested special exception is approved.

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 house would measure three stories and 34.5 feet in height, which would not exceed the 35-foot maximum permitted height in the RF-1 zone. The applicant's updated plans (Exhibit 46) now show a roof deck, railing, and access stair that do not comply with the penthouse regulations at Subtitle C § 1502. The applicant has not requested relief for these elements and OP would not likely recommend approval of such a request.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Via memo dated October 12, 2016, the District Department of Transportation (DDOT) indicated that it has no objection to the approval of the requested special exception (Exhibit 16).

VI. COMMUNITY COMMENTS

The Applicant provided letters in support at Exhibits 11, 12, 15 and 40, which includes the adjoining property owners at 1123 Abbey Place NE (Exhibit 15). One letter in opposition was entered at Exhibit 35, but did not provide an address.

Comments from ANC 6C had not been received at the time this report was written.

Attachment: Location Map

Figure 1: Location Map

