

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: January 12, 2018

SUBJECT: BZA Case 19669 - request for Special Exception relief to construct a rear addition at 2339 Third Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

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

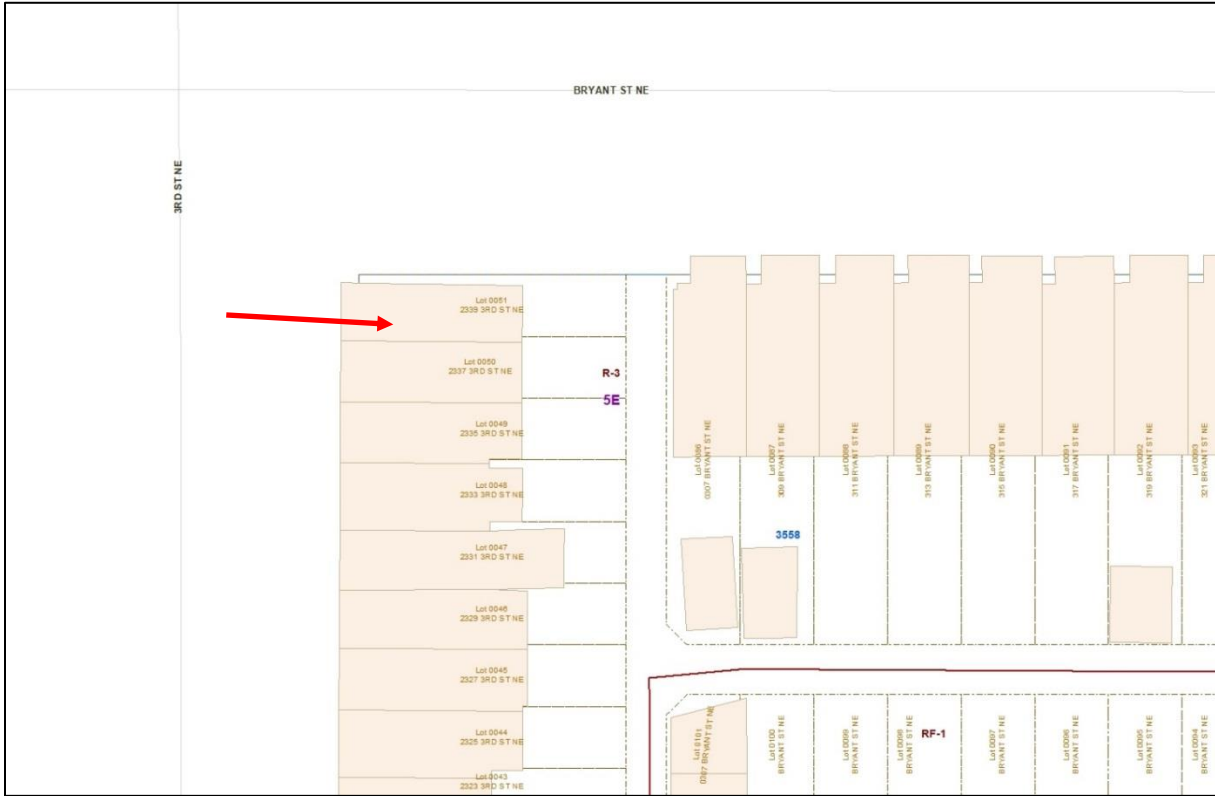
- Subtitle D § 304.1 Lot Occupancy (60% maximum allowed, 70% proposed)
- Subtitle D § 306.2 Rear Yard (20 feet minimum required; 16 feet proposed)

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

- Subtitle C § 701.5 Parking (1 full-size space required; 2 non-conforming spaces proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	2339 Third Street, N.E.
Legal Description:	3558 0051
Ward / ANC:	Ward 5/ ANC 5E
Zone:	R-3
Historic District:	N/A
Lot Characteristics:	975 SF rectangular lot
Existing Development:	Semi-detached row dwelling
Adjacent Properties:	This is a corner property with an attached row dwelling on the south side, an alley to the east, and streets to the north and west
Surrounding Neighborhood Character:	The surrounding neighborhood is generally residential in character and the predominant residential building type is row dwelling.



III. PROJECT DESCRIPTION IN BRIEF

The Applicant proposes to construct a two-story addition at the rear of the house. The rear addition would extend 10 feet beyond the adjacent property, which is permitted matter-of-right by the zoning regulations. The Applicant informed OP that the proposed addition would be brick to match the existing house and would have windows on the rear and the north side elevation with no windows proposed on the south side.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone (Subtitle D)	Regulation	Existing	Proposed ¹	Relief
Height	40 feet	not provided	Not provided	None requested
Lot Width semi-detached	30 feet min.	not provided	No change	None required
Lot Area semi-detached	3,000 SF min.	975 SF	No change	Existing non-conformity
Rear Yard	20 feet min.	26 feet	16 feet	Relief requested
Lot Occupancy	60% max.	58%	70%	Relief requested
Parking	1 full-size space	2 full-size spaces	2 non-conforming spaces	Relief requested

¹ Information provided by applicant.

V. OP ANALYSIS

A. SUBTITLE D § 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 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 building with only one (1) principal dwelling unit; or

(b) A new or enlarged accessory structure that is accessory to such a building.

The proposal is for an addition to a building with only one principal dwelling unit on the lot.

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 neighboring properties should not be unduly affected by the proposed addition to the house. The house is on a corner property on the north end of the block with a large amount of public space adjacent to the property along the north side. 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 Bryant Street. The proposed addition should not have an adverse impact on light and air to the adjacent rowhouse to the south since the addition will be on the north side of that house.

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

The privacy or use of neighboring properties should not be compromised by the proposed addition. The house is a corner property on the north end of the block and to the east is an alley separating the rear yard from the rowhouse that fronts Bryant Street. The proposed addition would not have windows on the south side and the privacy of the neighbor to the south should not be adversely impacted.

(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 be visible from the street and from the alley but it should not visually intrude on the character and scale of the house and the pattern of houses along the

street. 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 the proposed material would be brick to match 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 70%, 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;*

The sub-standard lot is only 975 square feet and the Applicant is proposing a rear addition which will reduce the area behind the house used for parking such that the Applicant would not

be able to provide a full-size parking space. However, the Applicant currently has two parking spaces for compact cars and would continue to provide two parking spaces.

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 two spaces but they would be 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.

In Exhibit 35, DDOT has recommended approval of the Applicant's request for parking relief with one condition. The Applicant currently accesses their parking spaces behind the house via the area on Bryant Street NE that is within the DDOT right-of-way and by crossing the public sidewalk. DDOT informed the Applicant that this public space cannot be used as vehicle parking or to access the Applicant's parking spaces and should not be paved. DDOT has recommended a condition that the Applicant close the fence on the corner where they are currently driving, restore the paved area on public property to grass, and access the parking spaces by driving straight in from the alley. DDOT recognizes that there is currently a utility pole along the alley directly behind the property where cars should be accessing the parking and informed the Applicant that they are willing to take that into consideration in the parking area design (Exhibit 30).

VI. COMMENTS OF OTHER DISTRICT AGENCIES

A report from DDOT recommending approval with conditions is in Exhibit 35. No other comments from District agencies had been filed at the time of this report.

VII. COMMUNITY COMMENTS

A resolution in support of the application from ANC 5E and additional letters of support from adjacent and neighboring property owners are in Exhibit 10.