

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 13, 2018
SUBJECT: BZA Case 19786: Request for special exception relief pursuant to E § 5201 permit a third-floor addition on a nonconforming row house.

I. RECOMMENDATION

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

- E § 304.1, Lot Occupancy (60% permitted, 63.3% existing; 63.3% proposed); and
- C § 202.2, Enlargement or addition to a nonconforming structure.

II. LOCATION AND SITE DESCRIPTION

Address	1016 Massachusetts Avenue, N.E.
Applicants	Nancy and Steve Perry
Legal Description	Square 965, Lot 41
Ward, ANC	Ward 6, ANC 6A
Zone	RF-1
Lot Characteristics	Polygon-shaped lot with rear alley access
Existing Development	Three-story row house
Adjacent Properties	Row houses
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Expansion of the third floor of a nonconforming structure

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	34.58 feet	34.58 feet	None Required
Lot Width E § 201	18-foot min.	19 feet	No change	None Required
Lot Area E § 201	1,800-sq. ft. min.	1,351 sq. ft.	No change	None Required
Floor Area Ratio	None prescribed	2.31	2.45	None Required
Lot Occupancy E § 304	60% max.	63.3%	No change	REQUIRED
Rear Yard E § 306	20-foot min.	22.5 feet	22.5 feet	Not Required
Court E § 203	2.5 in./1 ft. height min.	5.2 feet	5.2 feet	None Required
Parking C § 701	None	None	None	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 application requests:

1. Special exception approval to permit a lot occupancy of 63.3 percent, more than the 60 percent permitted as a matter-of-right and less than the maximum of 70 percent permitted by special exception; and
2. An enlargement or addition of a nonconforming structure.

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 application proposes an addition to a row house, 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;*

The third floor of the subject property at the rear of the structure is improved with a fence-enclosed deck. The application proposes to replace the deck with a building addition that would increase the overall height of the rear of the structure by three feet, as the new addition would be three feet higher than the existing fence, but without increasing the footprint of the building. No overall increase in building height is proposed. Therefore, light and air should not be unduly affected.

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

The application proposes to replace an existing third-floor rear deck with a room addition of the same size. Although the room addition would include windows facing the rear yard and open court of the subject property, it would be an enclosed space with a roof, better able to contain noise than a space open to the sky. Compared to the existing deck, there should be no impact on privacy.

(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 existing structure is located within a block of row houses, generally three or three-and-one-half stories in height. Although the height of the dwelling at the rear would increase to three stories, overall building height would remain the same and the view of a wall with windows, including the use of matching brick on the facade, would be more in keeping with the existing character, scale and pattern of houses along the alley.

(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 submitted plans, photographs and elevation drawings to represent the relationship of the proposed building to adjacent buildings and views from 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 application requests a lot occupancy of 63.3 percent, less than the maximum 70 percent permitted by special exception, and equal to the existing lot occupancy of the lower floors of the structure.

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 makes no recommendations for 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 subject application will not result in the introduction or expansion of a nonconforming use, but will permit the continued use of a one-family row house as a one-family dwelling, a use permitted as a matter-of-right within the RF-1 zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies as of the date of the filing of this report.

VI. COMMUNITY COMMENTS

The ANC 6A Economic Development and Zoning Committee was scheduled to review the subject application at its meeting of May 16, 2018.

Three letters of support were submitted to the file as of the date of the filing of this report (Exhibits 31, 32 and 33).

Attachment: Location Map

