

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
J Joel Lawson, Associate Director, Development Review

DATE: January 25, 2019 -- updated February 1, 2019

SUBJECT: BZA #19905 – 1410 15th Street, NW – Request for special exception relief pursuant to Subtitle F § 5201 to exceed the lot occupancy permitted by Subtitle F § 604.1

I. BACKGROUND

This report is based on updated plans dated January 8, 2019, as filed by the applicant in Exhibit 36.

II. RECOMMENDATION

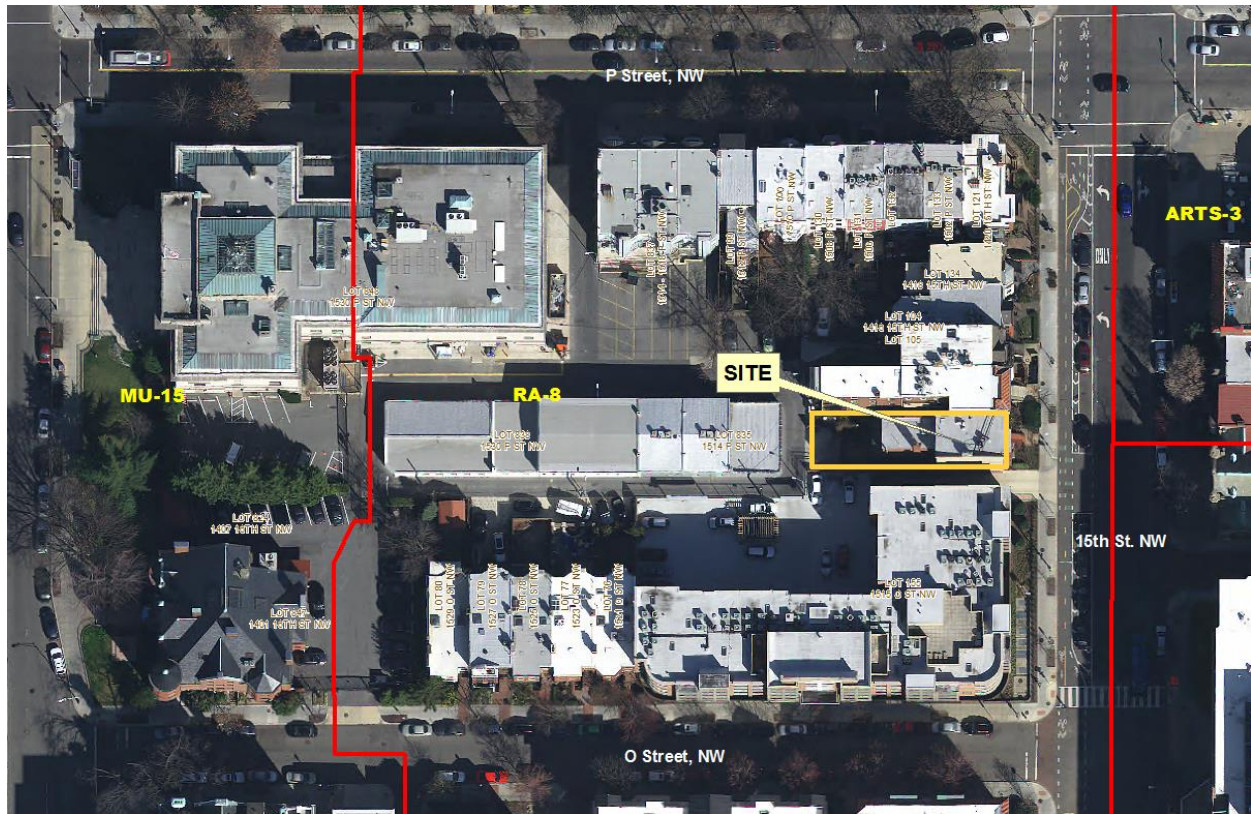
The Office of Planning (OP) recommends **Approval** of the following special exception relief:

- F§ 604.1 Lot Occupancy (60% maximum permitted, 69.9% proposed);

III. LOCATION AND SITE DESCRIPTION

Applicant	Herbert Hribar, owner, by Martin Sullivan, Esq.
Address	1410 15th Street, NW
Legal Description	Square 195, Lot 107
Ward / ANC	Ward 2; ANC 2B
Zone	RA-8
Historic District	Greater 14 th Street Historic District
Lot Characteristics	Rectangular, level 21.25' x 100' lot facing west side of 15 th St. NW, with 12 ft. wide public alley at rear of the lot.
Existing Development	Semi-detached rowhouse
Adjacent Properties	4 ½ story apartment building to north; 3-story apartment building to south, separated from wall of apartment building by entrance to underground garage.
Neighborhood Character	Mix of rowhouses and moderate-density apartment buildings.

<p>Proposal</p>	<p>The applicant wishes to:</p> <ul style="list-style-type: none"> • Demolish an existing, 67 SF one-story rear addition and replace with a new two-story bay of 27 SF on each level. • Demolish an existing 2nd story landing, small deck and stairs to rear yard and replace with a new approximately 331 SF deck at the 2nd level, 8’6” above level of rear yard. The deck would be “L”-shaped and would extend 5’9 ½” into the open court on the south side of the narrower, rear portion of the house and 12 feet past the new, western bay window that would comprise most of the rear wall of the house. • Demolish existing rear wall/fence set back from alley and and replace with new fence and gate closer to, but still set back from the property line along the rear alley. • Add two at-risk windows to the south side of the house, along the property line adjacent to the driveway of the south-adjacent apartment building.
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1410 15th Street, NW

IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

RA Zone	Regulation	Existing	Proposed	Relief
Lot Width F§ 201	n/a.	21.25 ft.	same	Conforming
Lot Area F § 201	n/a	1,667 SF.	n/a.	Conforming

RA Zone	Regulation	Existing	Proposed	Relief
Height F § 603	50 ft. max.	41.66 ft..	same	Conforming
FAR F § 602	1.8 max.	1.96	1.96	Existing Non-Conformity
Lot Occupancy F § 604	60% max. by-right; 70% max as special exception	60%	69.8%	Special Exception Requested
Court, Open F § 202.1	No requirement if < 4 units	5.8 ft.-wide open court	5.8 ft. wide closed court.	Conforming
Court, Closed F	No requirement if < 4 units	n/a	5.8 ft. wide 118 SF area	Conforming
Rear Yard F § 605	15 ft. min.	20 ft.	20 ft.	Conforming
Side Yard F § 606.1	<i>For rowhouse: If provided, ≥ 4 ft. Semi-detached: ≥ 8 ft. min</i>	0 ft.	0 ft.	<i>May be needed¹</i>

V. ANALYSIS

Subtitle F Chapter 5201, special exception relief for lot occupancy

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;*

...

(f) *The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The proposal project would increase the lot occupancy of a non-conforming structure. The net increase between the demolition and the construction of a new bay and deck would increase the lot occupancy from 60% to 69.9%.

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.

¹ Depending on the outcome of Zoning Commission Case No. 17-23, which was scheduled for final consideration on January 28, 2019 at the time this report was written, the structure may also be considered a semi-detached structure non-conforming for side yard width. If so, the southern side of the proposed deck would may also require relief from Subtitle C, § 202.2 as an extension of an existing non-conformity. If so, OP would recommend approval.

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 deck would be 8' 6" above the level of the rear yard and would have an open metal-rope railing on its edge. The new deck would not likely have an undue effect on the light and air of the apartment building to the north, and the owner of that building has filed a letter in support of the application (Exhibit 31). The width of the driveway to the south and the alley to the west of the applicant's property would also minimize potential impact on the light and air available to the apartment building to the south or the property to the west. The deck's screen allows for ample light and air to pass through to neighboring properties.

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

The deck would be approximately six feet from the wall of the apartment building to the north and 12 feet from the apartment building to the south. Because of elevation differences between the floor levels of the applicant's house and both adjacent properties, there would be no direct views from the deck into nearby windows. The deck would be positioned such that it should not unduly compromise the use and enjoyment of neighboring properties. The opposite side of the rear alley is lined mostly with fenced-in rear yards so these properties should not be 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 deck would be somewhat visible from 15th Street due to the existence of the driveway for the south-adjacent apartment building. The proposed deck would be set back approximately forty feet from the 15th Street sidewalk and, generally, two feet from the southern property line. It should not have a substantial visual impact as viewed from 15th Street. From the rear public alleys at the rear, the deck would be partially screened by the proposed new wall and gates at the rear property line. There are other, larger decks attached to nearby houses in the Square and atop garages along the Square's alleys. The proposed deck should not substantially visually intrude on the character, scale, and pattern of the houses as viewed from the public ways.

(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 application includes sufficient plans, photographs and elevations.

(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 69.8%.

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 structure would remain a single-family house, as permitted in the RA-8 zone. The proposal would not introduce a non-conforming use.

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 height of the house would not be impacted. It would remain in conformance with the zone.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The proposal would be subject to review by OP's Historic Preservation division. As of the writing of this report, no District Agencies provided comments.

VII. COMMUNITY COMMENTS

ANC 2B voted unanimously to support the project (Exhibit 34).

The representative of the owner of the apartment building immediately to the south of the applicant's property has filed a letter of support (Exhibit 37) as has the developer of the north-adjacent apartment building (Exhibit 31). The file contained three other letters of support from nearby residents (Exhibits 28, 30 and 32).