

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director Development Review
DATE: February 24, 2015
SUBJECT: BZA Case **18931** - Request for special exception relief under § 223 to increase lot occupancy at 721 11th Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223 to enable the connection of an accessory two-story carriage house to the principal structure in an R-4 zone.

- § 403.2 – Lot Occupancy (60% permitted; 70% proposed);

OP further recommends that the applicant be granted **approval** of relief from § 2001.3 for a structure that is currently non-conforming with respect to lot area (-610 SF), lot width (-1 foot) and lot occupancy (+7.6%).



Figure 1. Aerial View of Property, Outlined in Green

III. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed	Relief
Lot Width (ft.) § 401.3	18 feet	17 feet	SAME	Existing deficiency of 1 foot
Lot Area (sq. ft.) § 401.3	1800 SF	1,190 sq. ft.	SAME	Existing deficiency of 610 SF
Height (ft.) § 400.1	40 feet max., 3 story limit	25 feet 2 stories	SAME	None required
Lot Occupancy § 403.2	60 % max by-right. 70% by S.E.	67.6 % (801.11 sf)	70 % (836.57 sf)	+ 10%
Rear Yard (ft.) § 404.1	20 foot min.	20 ft. 11 in.	SAME	None required
Side Yard (ft.) § 405.1	None required	None required	None required	None required
Open Court (SF) 406.1	At least 6 ft. wide	5 ft. 1 inch	0 ft.	None Required

Zoning Compliance Table (information provided by applicant)

IV. OP ANALYSIS

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Row dwellings are a permitted use in this zone. The applicant has requested special exception relief under § 223 from the requirements of § 403, Lot Occupancy. Additionally, relief from §2001.3, Additions or Enlargements to Nonconforming Structures, is required as the existing lot size, lot width and lot occupancy, are and will continue to be dimensionally non-conforming.

223.2 The addition or accessory structure shall not have a substantially adverse affect 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.*
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

There would be no substantial intrusion. The additional opening on the second story of the garage would face directly into the applicant’s rear yard and should not have a substantial effect on the privacy of neighboring properties or on their light or air. The carriage house’s height would be increased 3 feet on the east at the rear property line and 5 feet on the west facing the courtyard. There would not likely be a substantial increase in shadowing and the application has received letters of support from the owners of both the adjacent properties.

- (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 addition of the pergola would not be visible from any other public street or alley. The three foot increase in the height of the carriage house where it meets the alley would be visible, but would be mitigated by the improved appearance of the façade, as illustrated on Sheet A-2 of the architectural drawings and as indicated by the letter of support from the Capitol Hill Restoration Society's Zoning Committee.

- (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 the from public ways.*

The applicant has provided sufficient information.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy is 70%, which complies with the maximum permitted in the R-4 zone under § 223.

- 223.4 *The Board 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 additional treatment for the protection of nearby properties.

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

The use would be a conforming flat.

V. HISTORIC PRESERVATION

Although the property is outside of the Capitol Hill Historic District, it is in an area being considered for the district's expansion, and the Capitol Hill Restoration Society's Zoning Committee has filed a letter in support of the application.

VI. COMMUNITY COMMENTS

The case record contains 23 letters of unconditional support from individuals, one letter of conditional support from an individual, one letter of opposition from an individual and one letter of opposition from an individual.

The north-adjacent-adjacent at 723 11th Street, N.E. recommends the Board approve the application.

The south-adjacent neighbor at 719 11th Street, N.E. supports the application, with the two conditions noted in the letter

The Capitol Hill Restoration Society's Zoning Committee voted in support of the application, as has been noted above.

As of February 20, 2015 ANC 6C had not filed a letter regarding the application.