

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: April 27, 2015

SUBJECT: BZA Case 19001 - Request for special exception relief under § 223 to allow the construction of a two-story rear addition to a single family dwelling at 242 10th St NE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to § 223:

- § 403.2 Lot Occupancy (44% existing; 60% max. permitted; 67% proposed); and
- § 404.1 Rear Yard (24.8 feet existing; 20 feet required; 12.9 feet proposed).

OP notes that the 660 SF property is nonconforming with respect to lot area and lot width.

II. LOCATION AND SITE DESCRIPTION

Address:	242 10 th St NE
Applicant	Michael Blake
Legal Description:	Square 0939, Lot 0026
Ward:	6
Lot Characteristics:	The rectangular lot is 55 feet deep and 12 feet wide along the 10 th Street NE frontage. There is a 2.917 foot public alley located behind the property.
Zoning:	R-4
Existing Development:	Row dwelling, permitted in this zone
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Adjacent properties include rowhouse dwellings
Surrounding Neighborhood Character:	The area is predominantly comprised of rowhouse dwellings

III. PROJECT DESCRIPTION IN BRIEF

Construct a two-story addition with 153 SF footprint at the rear of the subject property.



IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	28 ft.	28 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	12 ft.	12 ft.	Existing nonconformity; none required
Lot Area (sq.ft.) § 401	1800 sq.ft. min.	660 sq.ft.	660 sq.ft.	Existing nonconformity; none required
Floor Area Ratio § 401	<i>None prescribed</i>	.89	1.49	None required
Lot Occupancy § 403	60% max.; 70% by SE	44%	67%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	24.8 ft.	12.9 ft.	Relief required
Side Yard (ft.) § 405	N/A	N/A	N/A	None required
Court § 406	N/A	N/A	N/A	None required

¹ Information provided by applicant.

V. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

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 is requesting special exception relief under § 223 from the requirements of §§ 403.2 and 404.1.

223.2 *The 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 neighboring property, directly to the south at 240 10th Street NE, has a deeper lot and the building extends nine feet beyond the rear wall of the proposed addition to the subject property. The two adjacent properties to the north, 244 and 246 10th Street NE, have extant rear additions that would be basically in line with the proposed addition. The applicant provided solar studies and the light and air available to neighboring properties should not be negatively impacted by this addition.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised by the construction of this rear addition because the proposed small rear expansion of the subject property is in keeping with the general pattern of building footprint and rear yard open space on the block. The neighboring property owners have expressed support for the requested relief.

(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; and*

The proposed addition would be located at the rear of the house and staff confirmed with a site visit that it would not be visible from 10th Street. The proposed rear addition would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage.

(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.

The Applicant has provided graphical representations, including site plans, architectural plans, solar studies, and photographs to demonstrate the relationship of the proposed addition to adjacent buildings and views from public rights-of-way.

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 67% and would not exceed seventy percent (70%).

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.

No special treatment is recommended.

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

If granted, the relief requested would not permit the introduction or expansion of a nonconforming use.

VI. HISTORIC PRESERVATION

The property is located within the Capitol Hill Historic District and the applicant is aware that the proposal will need to go to the Historic Preservation Review Board.

VII. AGENCY COMMENTS

District Department of Transportation (DDOT) provided a letter (Exhibit #32) dated April 24, 2015 stating they had no objection to the approval of the requested special exception.

VIII. COMMUNITY COMMENTS

The applicant provided letters and signed petitions of support (Exhibits # 28-31) from adjacent, abutting and confronting neighbors who reside at:

- 238 10th St NE
- 240 10th St NE
- 241 10th St NE
- 246 10th St NE

- 248 10th St NE
- 250 10th St NE
- 252 10th St NE
- 917 C St NE
- 919 C St NE

At the time of the submission of this report ANC 6A had not provided comments on the special exception application.

Attachments:

Photos of existing conditions - Exhibits # 6 and 8



