



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 6, 2011

SUBJECT: **BZA Case 18264** - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct a third-floor addition to an existing two-story dwelling at 3601 13th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of special exception relief pursuant to § 223 to increase the allowable lot occupancy under § 403.2 from 60% to 65% for the existing dwelling and proposed third-floor addition.

The lot number referenced in the Zoning Administrator (ZA) referral letter and the submitted application was incorrect. The applicant was notified of the error. The legal description in this report includes the correct square and lot information.

II. LOCATION AND SITE DESCRIPTION:

Address:	3601 13 th Street NW
Legal Description:	Square 2829, Lot 0058
Ward:	1
Lot Characteristics:	Rectangular corner lot bordered by 13 th Street and Otis Place NW with an area of 1,800 square feet (0.04 acre).
Zoning:	R-4 – detached, semi-detached one-family dwellings and flats are allowed as a matter of right.
Existing Development:	A vacant two-story building set back 10 feet from the 13 th Street right-of-way that occupies most of the site. Most of the rear yard is surrounded by a gated wooden stockade fence. Between the fence and the eastern (rear) property boundary is what appears to be a private pedestrian walkway that provides neighboring residents with access to Otis Place, the adjacent public right-of-way. There is no parking pad in the rear yard and no driveway access to Otis Place from this property (refer to Figure 1).
Historic District:	None
Adjacent Properties:	Properties further north along 13 th Street are developed with two-story row dwellings; across Otis Place to the south are two-and-a-half story and three-story detached, semi-detached and row dwellings; east along Otis Place are two-and-one-half story row dwellings; and west across 13 th Street is a two-story detached dwelling and a series of three-and-one-half-story row dwellings.



Surrounding Neighborhood Character:	Moderate density residential.
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III. PROJECT DESCRIPTION IN BRIEF

Applicant	Elias Wolfberg, the owner of record
Proposal:	<p>To convert the existing vacant two-story building into a flat by constructing a new third floor addition. One dwelling would occupy the ground floor and basement, and the other dwelling would to occupy the second and third floors. This project includes reconstruction of the covered outdoor porches on the first and second floors that are no longer there.</p> <p>The ZA referred this proposal to the Board of Zoning Adjustment (BZA) in a letter dated June 30, 2011. While the addition would adhere to the height and rear yard setback requirements of §§ 400 and 404, zoning relief provided under § 223.1 was required because the existing dwelling exceeds the maximum 60% lot occupancy allowed in the R-4 district by 5%.</p> <p>In accordance with § 2100.4, no additional parking would be required because the parking requirement for the proposed flat is no greater than the requirement for the previous (flat) use per the available information. ¹</p>
Relief Sought:	§223 – for lot occupancy.

IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed ²	Relief:
Height (ft.) § 400	40 ft., 3 stories max.	25 ft. 6 in., 2 stories	33 ft., 3 stories	None required
Lot Width (ft.) § 401	18 ft. min.	20 ft.	SAME	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,800 sq. ft.	SAME	None required
Floor Area Ratio § 401	None prescribed	None prescribed	None prescribed	None required
Lot Occupancy § 403	60 % max.	65 %.	65 %	+ 5%
Rear Yard (ft.) § 404	20 ft. min.	20 ft.	20 ft.	None required
Side Yard (ft.) § 405	None required	None required	None required	None required
Court § 406	Not applicable	Not applicable	Not applicable	None required
Parking § 2101.1	1 per 2 dwellings	0 space	0 space	None required

V. OP ANALYSIS:

Consistency with § 233

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*

¹ Lusk’s D.C. Assessment Directory, 1984 and 1982 Editions and Experian D.C. Assessment Directory, 1998 Edition

² Based on the architectural plans submitted by the applicant.

special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Flats are permitted uses in this zone. The applicant is requesting special exception relief under § 223 from the requirements of §403 for lot occupancy.

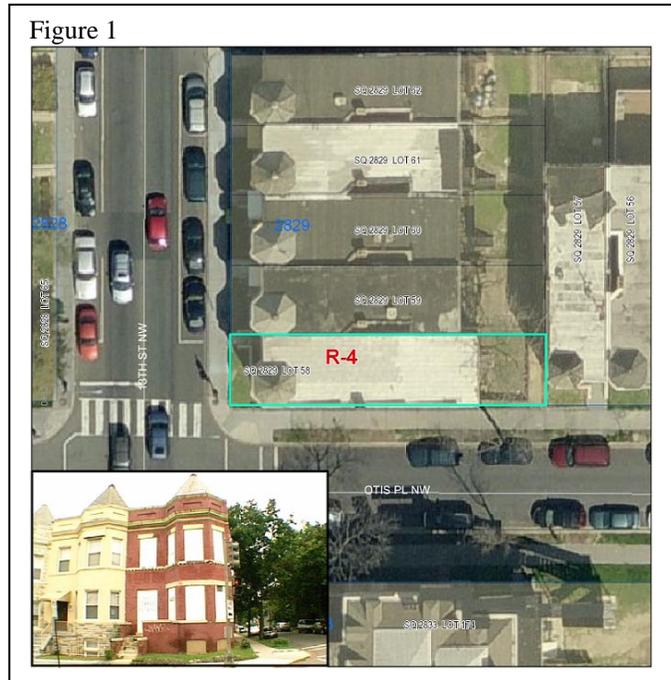
223.2 *The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The dwelling and proposed addition have an east-west orientation. The third floor would not impact the air available to surrounding properties. In terms of available light, shadows cast by the addition would generally fall to the northeast and northwest. There would be no impact on 3603 13th Street, the neighboring property to the north, because the BZA approved another third floor addition on this property in November 2010 (Order No. 18115). No other adjacent properties would be impacted by shadows from this addition.

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

The privacy and enjoyment of neighboring properties would not be compromised. Third floor construction on the neighboring property to the north would block any views to the north. The visibility to the south, east and west from the boarded second floor windows of this building, which will be replaced, or from the first- and second-floor porches that will be reconstructed.



(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 submitted plans indicate that the proposed addition would continue the same brickwork pattern that is visible on the lower two floors, and that the new third-floor windows will line up with the existing windows. Consequently the new addition would not visually disrupt the visual character of this neighborhood.

- (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.*

Sufficient graphical information was provided for this case.

- 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 65% lot occupancy of the existing dwelling is less than the allowable 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.*

Approval of this request would not result in the introduction or expansion of a nonconforming use on the subject property.

VI. COMMUNITY COMMENTS

To date no formal recommendation from Advisory Neighborhood Commission (ANC) 1A has been added to the case record file.