



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: June 19, 2012

SUBJECT: BZA Case 18370 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 1537 5th St. NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, maximum lot occupancy (60% maximum permitted; 70% by Special Exception; 63.8% proposed);
- § 406, minimum court width (7.5 ft. required, 2.9 ft. proposed)¹; and
- § 2001.3 (non-conforming structure).

OP notes that the existing lot is also non-conforming for lot area (1,800 sf. required, 1,367 sf. existing) and lot width (18 ft. required, 13.67 ft. existing).

II. LOCATION AND SITE DESCRIPTION:

Address:	1537 5 th Street NW
Legal Description:	Square 510, Lot 820
Ward:	6
Lot Characteristics:	The rectangular lot has an area of 1,367 square feet. It is 13.67 feet wide along the 5th Street frontage and along the rear abutting the 10-foot wide public alley.
Zoning:	R-4 – Row Dwelling and Flat
Existing Development:	A two-story row dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Row dwellings to the north and south. A multi-family building to the east (refer to Figure 1).
Surrounding Neighborhood Character:	The neighborhood is predominantly row houses and multi-family buildings. A church is located across the street. An elementary school is located to the south.

¹ Although the existing court is not being made smaller by this addition, the extent of non-conformity is being increased thus necessitating this request for relief.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Omar Haque (Owner of Record)
Proposal:	The applicant proposes to construct a three-story addition on the rear of an existing one-family two-story row dwelling. A portion of the existing structure would be demolished. The addition would extend approximately 9 feet 11 inches into the rear yard beyond the existing footprint. The existing alignment of the house adjacent to the south side property line would be continued.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ²	Relief:
Height (ft.) § 400	40 ft. max.	21 ft.	30 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	13.7 ft.	13.7 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,367 sq.ft.	1,367 sq.ft.	None required
Lot Occupancy § 403	60% max., 70% by special exception	53.8%.	63.8%	Relief required, special exception
Rear Yard (ft.) § 404	20 ft. min.	48 ft.	38 ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Court § 406	7.5 ft. min.	2.9 ft.	2.9 ft.	Relief required (deficient by 4.6 ft.)

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.*

One-family row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §403 (Percentage of Lot Occupancy), §406 (Courts), and § 2001.3 (Nonconforming Structures Devoted to Conforming Uses) for an addition to an existing row dwelling.

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;*

² Information provided by applicant.

A shadow study submitted by the applicant indicates that the proposed three-story rear addition should not have undue impact to the light or air of neighboring properties. The addition would result in additional wall area facing the neighbor to the north (1539 5th St. NW); however, at most times of the year the neighbor's windows would still receive direct sunlight. Neighboring properties to the south (1535 and 1533 5th St NW) would have no windows facing the proposed addition and impacts to light and air should be minimal. The proposed addition would be located approximately 55 feet from the three-story apartment building located to the rear of the applicant's property (450 Q St. NW) and should not significantly impact the apartment building's light or air.

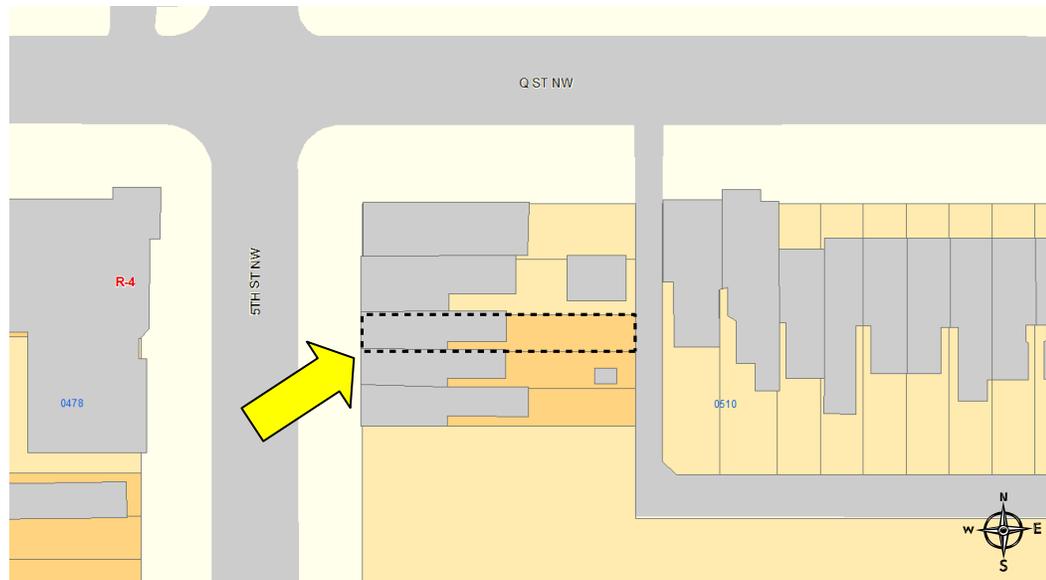


Figure 1: Map – Subject Property Identified

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

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed addition does not include large windows on the south side. Neither property to the south has windows facing the proposed addition. The addition includes no windows on the north side. A privacy fence would continue to be located along the perimeter at the rear of the property.

- (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 three-story addition as viewed from 5th Street should not substantially visually intrude upon the character, scale and pattern of houses (refer to Figure 2). The addition would only be minimally visible from 5th Street. There is a similar partial third-floor addition to the structure at 1533 5th St. NW and the building located at 1541 5th St. NW is substantially larger and taller than the proposed addition. The addition would be somewhat visible from Q Street and from the alley located to the rear of the property; but would not be out of scale with existing buildings and in the summer months the addition would be largely obscured by a tree.

- (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 submitted plans, photographs and elevation drawings to represent the relationship of the proposed addition to adjacent buildings and from public ways.



Figure 2: Bird's Eye View - Subject Property



- 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 63.8 percent, 3.8 percent more than the 60 percent permitted within the R-4. The lot occupancy is within the 70% maximum permitted by special exception review pursuant to § 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.*

The Office of Planning makes no recommendations for special treatment.

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

The existing use is permitted; no additional non-conforming use is proposed.

VI. COMMUNITY COMMENTS

According to the applicant, neighbors are supportive of the proposed addition. The applicant stated that ANC 2C voted to support the application at its regularly scheduled meeting on May 2nd, 2012.