

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
J Joel Lawson, Associate Director Development Review
DATE: April 28, 2015

SUBJECT: BZA Case 18988 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing rowhouse dwelling at 224 9th Street NE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 406.1 Court (8.7 feet required; 4.5 feet existing; 4.5 feet proposed); and
- § 2001.3 Addition to a Nonconforming Structure

II. LOCATION AND SITE DESCRIPTION:

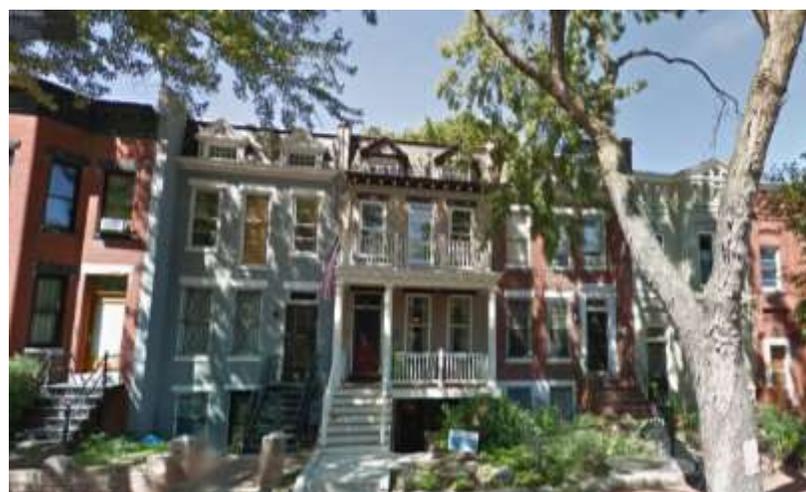
Address:	224 9 th Street NE (the “Subject Property”)
Applicant:	David and Grace Steckler (the “Applicant”)
Legal Description:	Square 917, Lot 116
Ward:	6
Lot Characteristics:	The rectangular lot is 117 feet deep and 16.66 feet wide along the 9 th Street NW frontage. A 14 foot public alley is located to the rear.
Zoning:	R-4 – Row dwellings
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	The surrounding neighborhood character is primarily residential, consisting of row dwellings.

III. PROJECT DESCRIPTION IN BRIEF

The Applicant seeks to reconstruct and expand a two-story rear addition, a portion of which would fill in the existing light well and another portion would extend a nonconforming closed court facing the alley. The addition would measure 15.3 feet x 12.2 feet.

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed¹	Relief:
Height (ft.) § 400	40 ft. max.	30 ft.	30 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16.6 ft.	16.6 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,950 sq.ft.	1,950 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	44%	58%	None required
Rear Yard (ft.) § 404	20 ft. min.	59 ft.	48.7 ft.	None required
Side Yard (ft.) § 405	NA	NA	NA	None required
Court (ft.) § 406	8.7 ft. min.	4.5 ft.	4.5 ft.	Relief required



Subject Property

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 §406 (Courts).

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;

There would be minimal impacts to adjacent properties. The proposed addition would not increase the height of the existing structure. The addition could cast some shadows on the rear yard of the residence to the north (226 9th Street NE). However, the existing open court between the Subject Property and the residence to the north would be maintained and extended. Further, no additional shadow would be cast on the property to the south (222 9th Street NE).

(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. The proposed addition would not seem to infringe on the property to the north, 226 9th Street NE, which would continue to be separated by the existing open court and privacy fence. The neighboring property to the south, 222 9th Street NE, does not include windows facing the Subject Property. In addition, the existing fence would continue to provide some privacy to the property to the south.

(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 rear addition would not be visible from the 9th Street NE frontage. As designed, its massing would not be out of scale with the neighboring properties.

- (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 and section drawings to represent the extent of the addition.

- 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 lot occupancy 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.*

The Office of Planning recommends no special treatment of the design, lighting, materials or other features.

- 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. COMMUNITY COMMENTS

ANC 6A voted 7-0 to support the application at its regularly scheduled meeting on April 9, 2015.

As of this writing, no comments by the neighbors have been submitted into the record.