



## **SUPPLEMENTAL REPORT**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** July 5, 2011

**SUBJECT:** MODIFICATION REQUEST - BZA Case No. 18009, 3302 Prospect Street, N.W.

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### **I. RECOMMENDATION**

The subject application requests additional relief pursuant to § 233 of the Zoning Regulations that was not included in the original application. The original application requested relief only from lot occupancy pursuant to § 223. This relief is a result of recommendations for the proposed rear building addition made by the Commission of Fine Arts (CFA) and the Historic Preservation Office (HPO).

The modified application requests additional relief pursuant to § 223 from the minimum rear yard, minimum court width and minimum court area requirements. Because these additional items were not reviewed under the original application, the Office of Planning has reviewed the additional items against the criteria contained within § 223 in this report.

Typically the Office of Planning does not consider applications that require new relief to be minor modification cases. However, in this case the additional relief is minor and is the direct result of building design modifications required by the CFA and HPO. Therefore, the Office of Planning is not opposed to considering this a minor recommends approval of the application.

### **II. BACKGROUND**

BZA Order 18009, a special exception request pursuant to § 223 to permit a rear yard addition onto an existing one-family row house at 3302 Prospect Street, N.W. in the R-3 district, became final on August 30, 2010. Specifically, the Board approved a two-story plus basement rear addition, requiring relief to permit a lot occupancy 69.8 percent. No other relief was necessary.

On March 18, 2011 the Commission of Fine Arts (CFA) recommended approval of a rear building addition and on March 21, 2011 the Historic Preservation Office (HPO) approved a rear building addition, subject to the following:

- The addition is reduced to one-story with basement;
- The open court is filled-in only where it is not visible from the street (33<sup>rd</sup> Street, NW);
- The dimensions of the rear addition are 7.9 feet by 12.11 feet, so as to align with the rear addition on the property to the west.

These changes result in the need for additional relief for rear yard, court width and court area, and reduced the amount of relief required from lot occupancy.

### **III. PROPOSED MODIFICATIONS**

In a submission dated June 1, 2011, the applicant requested the following modifications to the approved application, consistent with the recommendation of the CFA and the approval of the HPO, as follows:



1. Decrease the lot occupancy from 69.8 percent to 67.98 percent (maximum 70 percent permitted);
2. Reduce the rear yard from 20 feet to 19.1 feet (minimum 20 feet required);
3. Reduce the width of an open court from 6 feet to 3.9 feet (minimum 6 feet required); and
4. Reduce the area of an open court from 350 square feet to 110 feet.

**IV. ZONING REQUIREMENTS**

| <b>R-3 Zone</b>         | <b>Regulation</b> | <b>Existing</b> | <b>Proposed</b> <sup>1</sup> | <b>Relief</b> |
|-------------------------|-------------------|-----------------|------------------------------|---------------|
| Lot Width (ft.) § 401   | 20 ft. min.       | 18 ft.          | 18 ft.                       | None required |
| Lot Area (sq.ft.) § 401 | 2,000 sq.ft. min. | 1,368 sq.ft.    | 1,368 sq.ft.                 | None required |
| Lot Occupancy § 403     | 60 % max.         | 61.9 %          | 67.98 %                      | Required      |
| Rear Yard (ft.) § 404   | 20 ft. min.       | 27ft.           | 19.1 ft.                     | Required      |
| Court § 406             |                   |                 |                              |               |
| - Area                  | 350 sq. ft. min.  | N/A             | 110 sq. ft.                  | Required      |
| -Width                  | 6 ft. min.        | N/A             | 3.9 ft.                      | Required      |

**V. OP ANALYSIS OF THE MODIFICATIONS**

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 additional special exception relief under § 223 from the requirements of § 404, Rear Yards, and § 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;*

The modified building addition would be similar in size to that of the adjoining property to the west, and one-story in height. An open courtyard would be provided on the east side of the property, which would range between 3.9 and 6.6 feet in width. The portion of the court that is less than 6 feet in width exists, but would be altered. The first ten feet would be enclosed with a two-story plus basement addition, with the remaining seven feet, the portion closest to the rear yard, enclosed on one level only. The new portion of the courtyard would be in conformance with the Zoning Regulations.

The depth of the modified building addition would reduce the required rear yard by 0.9 feet. This reduction would be minor and would allow the addition to align with the existing building addition to the adjoining row house to the west. In comparison to the previous application, which was approved by the Board, the modified application would shift the addition 6.6 feet away from the property to the east and 0.9 feet closer to the property to the

<sup>1</sup> Information provided by applicant.

south. It would also reduce the height from two stories to one. Overall, light and air to neighboring properties should not be unduly affected.

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

Privacy and use and enjoyment of neighboring properties should not be unduly compromised because the proposed addition has been reduced in height from two stories to one, and no windows would be provided on the sides.

- (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 modified design of the addition, as recommended by the CFA and HPO, is intended to maintain the scale and pattern of the houses as viewed from 33<sup>rd</sup> Street. Therefore, the addition should not substantially visually intrude upon the character, scale and pattern of houses along the street.

- (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.*

Graphical representations were submitted as a part of the application.

- 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 67.98 percent, less than the maximum 70 percent permitted within the R-3 district.

- 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 treatments.

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

The subject application would not result in the introduction or expansion of a nonconforming use.

## **VI. RECOMMENDATION**

The modified rear addition would reduce the impact on the adjoining property to the west by reducing the lot occupancy and building height from two stories to one, diminishing any impact the proposed addition would have on either light and air or use and enjoyment of neighboring properties. The filling in of the open court only to the extent that it is not visible from the street, and aligning the rear addition with the addition on the adjacent building to the west by reducing the rear yard by 1.9 feet would maintain the scale and pattern of houses as viewed from 33<sup>rd</sup> Street. Therefore, the Office of Planning recommends approval of the proposed modifications to the application.