



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: April 19, 2011

SUBJECT: BZA Case 18202 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 808 9th Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this application pursuant to §223, to permit a rear addition to a row dwelling at 808 9th Street, N.E., requiring special exception relief as follows:

- § 406, to allow:
 - An open court 4 feet, 7 inches in width (6 feet required);
 - A closed court 5 feet, 8 inches wide (8 feet required) and 26 square feet in area (350 square feet required).¹

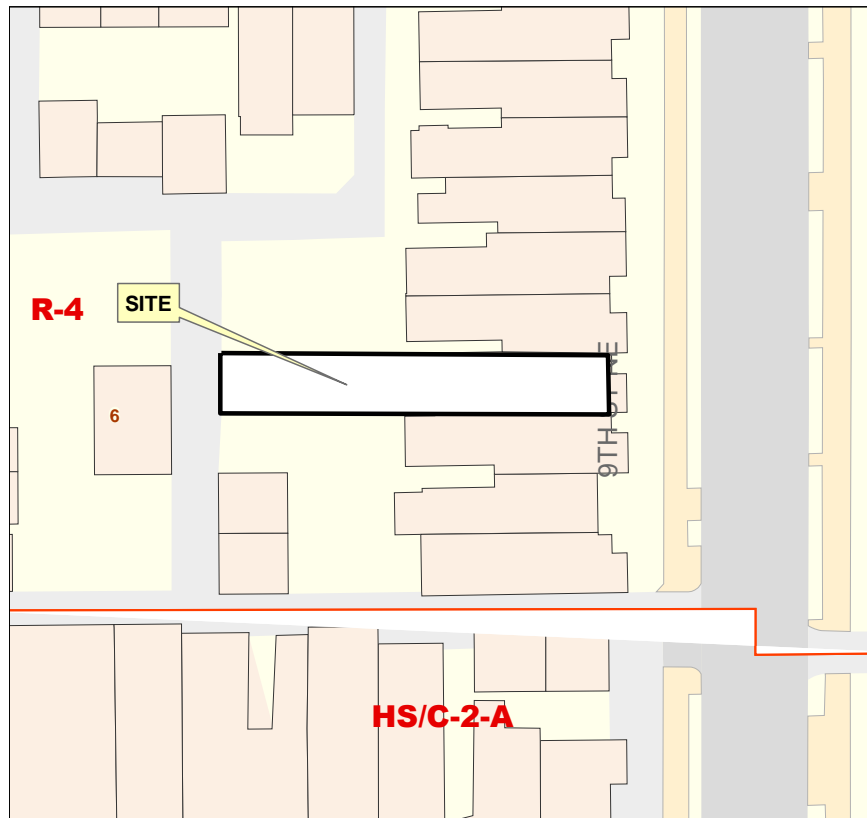
II. LOCATION AND SITE DESCRIPTION:

Address:	808 9 th Street, N.E.
Legal Description:	Square 911, Lot 45
Ward:	6
Lot Characteristics:	Level rectangular lot with rear alley access
Zoning:	R-4 – row houses, flats and conversions.
Existing Development:	One-family row dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Row dwellings
Surrounding Neighborhood Character:	Residential. To the south is the H Street commercial district.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Christine Melekian
Proposal:	Two-story plus basement rear addition, with an exterior staircase from the second floor to a proposed roof deck.
Relief Sought:	§ 223 - Additions to One-Family Dwellings and Flats

¹ The application was revised after filing to request relief for the closed court, as determined by the Office of the Zoning Administrator.



Zoning and Vicinity Map

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed²	Relief:
Height § 400	40 ft. max.	24 ft.	24 ft.	None required
Lot Width § 401	18 ft. min.	18 ft.	18 ft.	None required
Lot Area § 401	1,800 SF min.	2,100 SF	2,100 SF	None required
Floor Area Ratio § 401	None prescribed	1.2	1.46	None required
Lot Occupancy § 403	60 % max.	47.9 %	60 %	None required
Rear Yard § 404	20 ft. min.	60 ft., 9 in.	46 ft., 7 in.	None required
Court § 406				
Open Court	6 ft. min.	4 ft., 7 in.	4 ft., 7 in.	Relief required
Closed				
-Width	8 ft. min.	N/A	5 ft., 8 in.	Relief required
-Area	350 SF min.	N/A	26 SF	Relief required

² 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.

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 proposed addition would be two stories in height, similar to neighboring properties, and would provide a rear yard in excess of sixty feet, more than three times the minimum twenty-foot requirement. Therefore, light and air to neighboring properties would not be unduly affected.

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

The proposed building addition has no windows on the sides, only along the back wall facing into the rear yard. The proposed landing on the second floor would extend out from the dwelling to the south side lot line, and create a closed court out of a portion of the existing open court. This landing would provide access to an exterior stair that would provide access to the roof deck.

The proposed closed court would face the same windowless party wall on the adjacent property to the south, with no views into that adjacent property. The adjacent property owner (806 9th Street, N.E.) submitted a letter to the file in support of the application. Therefore, the privacy of use and enjoyment of neighboring properties would not be unduly compromised.

(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 building addition would not visually intrude upon the character, scale and pattern of houses as viewed along the alley. It would be residential in appearance and two stories in height, similar to surrounding properties. The Capitol Hill Restoration Society also found that the addition would not intrude upon the character, scale and pattern of houses.

(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 application included plans, photographs and elevation drawings sufficient to represent the proposed building 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 proposed lot occupancy is 60 percent, permitted as a matter-of-right within the R-4 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 does not recommend any 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. COMMUNITY COMMENTS

The property owner of 810 9th Street, N.E., the adjacent property to the north, submitted a letter to the file in support of the application.

The property owner of 806 9th Street, N.E., the adjacent property to the south, submitted a letter to the file in support of the application.

The Capitol Hill Restoration Society, at its meeting of March 10, 2011, voted to support the application.

ANC 6A was scheduled to review the application at its regularly scheduled meeting of April 14, 2011.

The Single Member District Commissioner for ANC 6A01 informed the Office of Planning by email that he is in support of the application.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received.

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin, AICP