



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: September 27, 2011

SUBJECT: **BZA Case 18278** - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 for additions to an existing two-story row dwelling at 1706 10th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

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

- lot width and area under § 401.1 (18-foot width and 1,800 square-foot land area required, a 16.8-foot width and land area of 1,633 square-feet exists);
- § 403.2 (60% lot occupancy allowed, 68% lot occupancy proposed); and
- § 406.1 (minimum open court width 10-feet required, a court width of three-feet is proposed) for a two-story rear addition with a deck on each level.

II. LOCATION AND SITE DESCRIPTION:

Address:	1706 10 th Street NW
Legal Description:	Square 0335, Lot 0040
Ward:	2
Lot Characteristics:	Rectangular interior lot with an area of 1,633 square feet (0.04 acre) and frontage along 10 th Street NW. A private alley eight feet wide extends along the western (rear) property boundary. This narrow shared alley allows pedestrian access across five abutting lots to a 12-foot wide public alley further north.
Zoning:	R-4 – detached, semi-detached one-family dwellings and flats are allowed as a matter of right.
Existing Development:	The property is developed with a two-and-one-half story row dwelling occupied by a flat use. The grassy rear yard is surrounded by a gated wooden stockade fence. There is no parking pad in the rear yard and no driveway access to the 12-foot wide alley referenced above (refer to Figure 1).
Historic District:	Greater U Street
Adjacent Properties:	Similar two- and two-and-one-half story row dwellings.
Surrounding Neighborhood Character:	Moderate density residential.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Arnold Young, the owner of record
Proposal:	To construct a two-story rear addition with decks on both levels and continue the existing flat use. The existing building, constructed around 1905 ¹ , pre-dates the current Zoning Regulations. In a letter to the Board of Zoning Adjustment (BZA) dated July 19, 2011, the Zoning Administrator explained why this proposal requires special exception relief in accordance with § 223. The dwelling and addition would occupy 68% of the lot which would exceed the 60% lot occupancy allowed under §403. A three-foot wide open court formed by the addition along the northern (side) boundary would be less than the minimum width of 10-feet required under § 406.
Relief Sought:	§223 – for a non-conforming lot dimensions, lot occupancy and open court.

III. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed ²	Relief:
Height (ft.) § 400	40 ft., 3 stories max.	25 ft. 11 in., 2 stories	SAME	None required
Lot Width (ft.) § 401	18 ft. min.	16.8 ft.	SAME	-1.2 ft.
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,633 sq. ft.	SAME	-167 sq. ft.
Floor Area Ratio § 401	None prescribed	None prescribed	None prescribed	None required
Lot Occupancy § 403	60 % max.	38 %.	68 %	+ 8%
Rear Yard (ft.) § 404	20 ft. min.	62 ft.	31.5 ft.	None required
Side Yard (ft.) § 405	None required	None required	None required	None required
Court, Open § 406, "Other" Use	4 in. / foot, min. 10 ft.	None Existing	3 ft.	-7 ft.
Parking § 2101.1	1 per 2 dwellings	0 space	0 space	None required

OP believes that § 233 relief is also required from §§ 2001.1 (a) and (b) (2). This is because an addition that exceeds the allowable lot occupancy and creates non-conformities is inconsistent with the standards for additions to non-conforming properties.

However, in accordance with § 2100.7, no additional parking would be required because the current dwelling unit count would not increase by 25% or more.

IV. 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 Experian 1998 District of Columbia Assessment Directory, Volume 2 Part 1

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.

Flat uses are permitted in this zone. The applicant is requesting special exception relief under § 223 from the requirements of § 401 (lot width and area), §403 (lot occupancy) and §406 (open court width). Granting the listed relief would satisfy the requirements of §§2001.1 (a) and (b) (2).

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;*

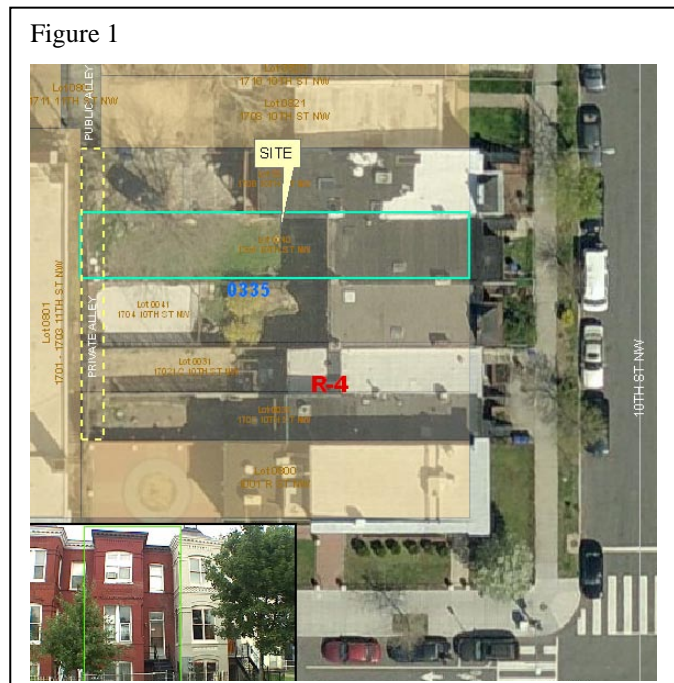
The dwelling and proposed addition have east-west orientations. The rear addition would not impact the air available to surrounding properties. In terms of available light, shadows cast by the addition would generally fall to the east-northeast onto public space and west-northwest into the neighboring rear yards. These shadows would appear to overlap shadows cast by the neighboring dwellings.

The southern façade of neighboring dwelling to the north (1708 10th Street) includes rows of small casement windows near the ceilings of the first and second floors. These windows allow natural light into the dwelling. The proposed addition would be setback from the northern property boundary three-feet to not cover these windows. Although the amount of light available to these windows would be reduced, these windows are already “at risk” because the building façade is constructed on a side property boundary and this zone district that allows row dwellings as matter of right.

The neighboring dwelling is also a flat. According to DC Land Records, one dwelling unit is owned by the applicant and other by Thomas E. Short III. The application included communications about this proposal dated March 19 and 22, 2011, between the applicant and neighboring property owners. One response was from Will Smith of 1708 10th Street which stated, “I concur with the proposed addition and work at 1706 10th Street NW.” None of the other respondents expressed any concerns.

However, OP noted that “Will Smith” is not listed as the owner of record for the other flat dwelling. It was suggested that the applicant add to the case record file any comments that actual owner of record would care to make about this proposal.

Since the windows on the neighboring property façade have always been at risk, and pending receipt of comments from the other co-owner, OP concluded that the air and light available to neighboring properties would not be unduly affected by this proposal.



- (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. The northern addition would include one window on the first floor. The view from this kitchen window would not be high enough to see into the small casement windows on neighboring dwelling to the north. There would be no windows in the southern addition façade that would be a firewall. Views from the windows and first and second floor decks on the western (rear) façade would generally be across the alley. It appears that these views would be same as from the existing dwelling.

- (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 Historic Preservation Review Board (HPRB) did not raise any concerns about the visual impact of this proposal on the surrounding neighborhood (refer to the Agency Comments section below).

- (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 proposed 68% lot occupancy would be 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.

Pending the receipt of comments from the neighboring co-owner, OP determined that this application generally meets the standards for approval by the Board of Zoning Adjustment.

V. AGENCY COMMENTS

On March 24, 2011, the HPRB approved this proposal. It was found to be consistent with the character of the historic district. Approval of final architectural plans was delegated to the State Historic Preservation Office.

VI. COMMUNITY COMMENTS

To date no formal recommendation from Advisory Neighborhood Commission (ANC) 2C has been added to the case record file.