



## MEMORANDUM

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

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

**DATE:** October 9, 2012

**SUBJECT:** **BZA Case 18414** - request for special exception relief under § 223 to construct a two-story rear addition to the existing semi-detached dwelling at 712 A Street SE

### I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403 (minimum side yard setback of 8 feet is required, the existing 2.9-foot setback would be extended); and
- § 403 (maximum lot occupancy of 40% allowed, 57.6% is proposed).

### II. LOCATION AND SITE DESCRIPTION:

|                       |  |
|-----------------------|--|
| Address:              | 712 A Street SE  |
| Legal Description:    | Square 0898, Lot 0050  |
| Ward:                 | 6B   |
| Lot Characteristics:  | The rectangular interior lot with an area of 2,197 square feet (0.05 acre) and no rear alley to (refer to Figure 2).   |
| Zoning:               | R-4 - semi-detached dwellings are allowed in this district   |
| Existing Development: | According to DC land records, the existing two-story semi-detached dwelling dates from 1900 (refer to Figure 1). On the rear façade are a first floor canopy and second floor deck, and wooden stockade fence extends around the rear yard boundaries. |
| Historic District:    | Capitol Hill   |
| Adjacent Properties:  | A variety of 2.5- to 3-story row dwellings.  |

### III. PROJECT DESCRIPTION IN BRIEF

|                |   |
|----------------|---|
| Applicant      | David Michael, an owner of record, and Juliet Macur.  |
| Proposal:      | To replace the rear canopy and deck with a two-story addition approximately 15 x 20 feet in size. Exterior addition windows would only face the rear yard, lot occupancy would increase from 49% to 57.6% and the current 2.9 foot-side yard would be extended. |
| Relief Sought: | §223 – for relief to increase the allowable lot occupancy and reduce the required side yard setback for the proposed rear addition.   |



**IV. ZONING REQUIREMENTS**

| <b>R-4 District</b>          | <b>Regulation</b>     | <b>Existing</b> | <b>Proposed <sup>1</sup></b> | <b>Relief:</b>  |
|------------------------------|-----------------------|-----------------|------------------------------|-----------------|
| Height (ft.) § 400           | 40 ft. max., 3 floors | 23 ft., 2 fl.   | SAME                         | None required   |
| Lot Width (ft.) § 401        | 30 ft. min.           | 22.4 ft.        | SAME                         | None required   |
| Lot Area (sq. ft.) § 401     | 3,000 sq. ft. min.    | 2,197 sq. ft.   | SAME                         | None required   |
| <b>Lot Occupancy § 403</b>   | <b>40% max.</b>       | <b>49%</b>      | <b>57.6%</b>                 | <b>+ 17.6%</b>  |
| Rear Yard (ft.) § 404        | 20 ft. min.           | 56.6 ft.        | 41.6 ft.                     | None required   |
| <b>Side Yard (ft.) § 405</b> | <b>2.9 ft. min.</b>   | <b>2.9 ft.</b>  | <b>SAME</b>                  | <b>-5.1 ft.</b> |

The existing dwelling predates the current Zoning Regulations. Section 401.1 of the regulations states:

*Except as provided in chapters 20 through 25 of this title and in the second sentence of this subsection, in the case of a building located, on May 12, 1958, on a lot with a lot area or width of lot, or both, less than that prescribed in § 401.3 for the district in which it is located, the building may not be enlarged or replaced by a new building unless it complies with all other provisions of this title. Notwithstanding the above, the lot area requirements of § 401.3 must be met when the building is being converted to a use or replaced by a building intended to house a use that would require more lot area or lot width than is on the building's lot.*

Special exception approval would make the proposed side yard and density compliant, and address prohibitions against extending and increasing nonconforming characteristics under § 2001.3. As a result the Zoning Administrator determined that relief for the existing non-conforming lot area and width is not needed in this case.

Based on the review the correct relief has been requested.

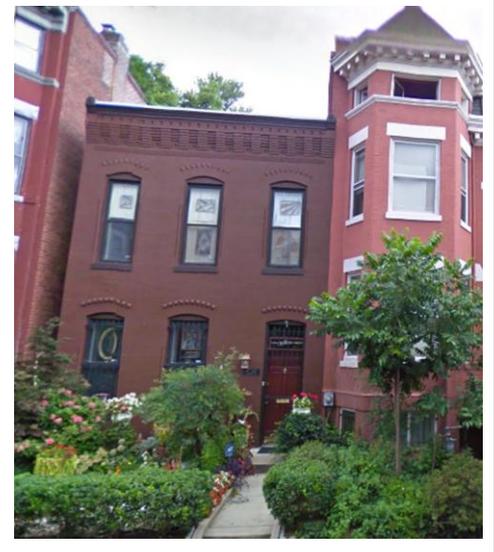
**V. OP ANALYSIS:**

**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.*

Semi-detached one family row dwellings are permitted as a matter of right in R-4. Special exception relief under § 223 is required from the maximum allowable lot occupancy (§ 403) and minimum required side yard setback (§ 405). Relief from § 2001.3 is also required to increase and extend the existing nonconforming characteristics.<sup>2</sup>

Figure 1



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

<sup>2</sup> Approval of the other listed relief would resolve the inconsistency with § 2001.3.

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:*

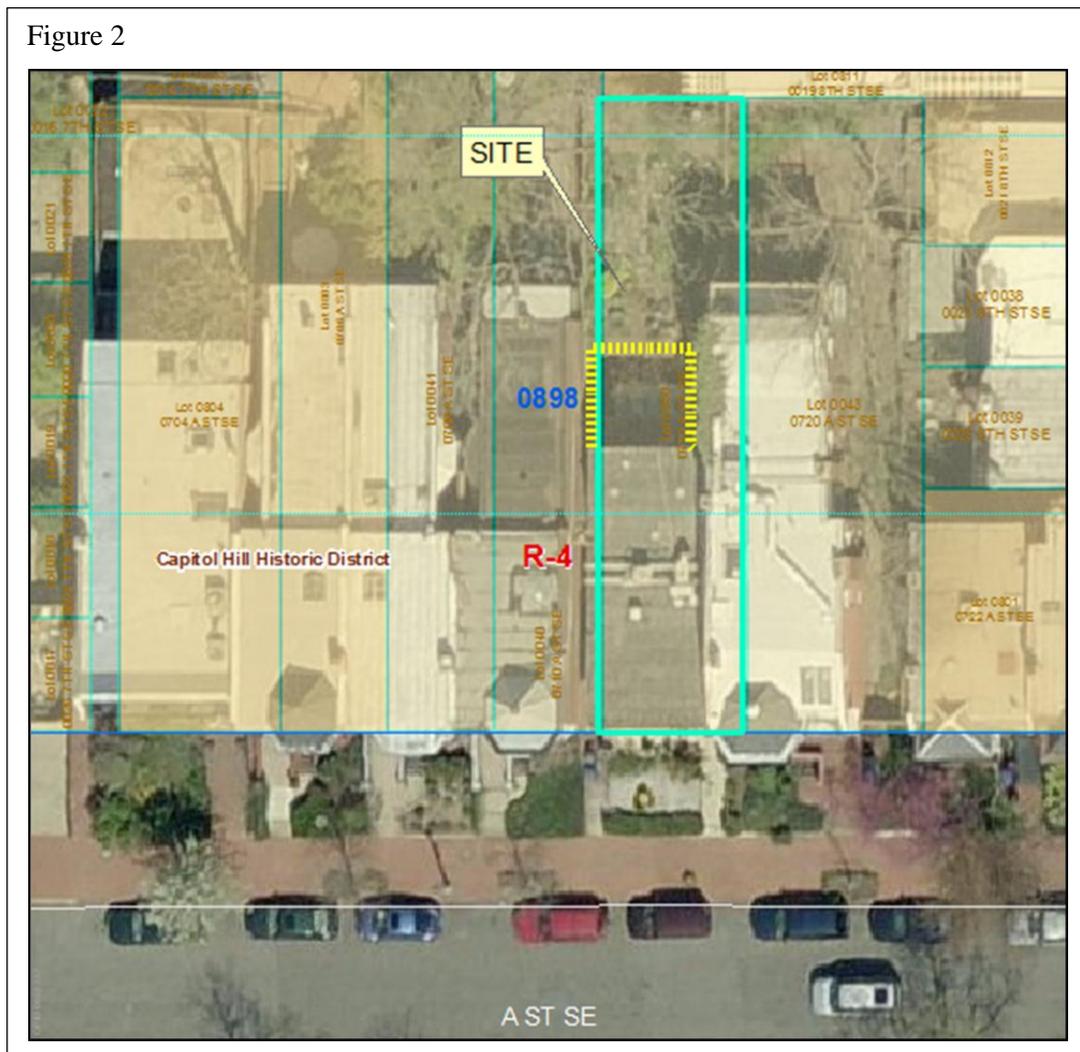
(a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposed 15 x 20-foot addition would have the same north-south orientation as the dwelling, and would not extend beyond common windowless walls of the abutting row dwellings. It, therefore, would not unduly impact the air and light available to the neighboring residences.

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

Views from the addition windows would be directed toward the subject rear yard and not toward other dwellings. As a result, the privacy of the neighbors should not be unduly compromised.

Figure 2



(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*

Even though the rear addition would not be visible from any public right-of-way

this proposal will be submitted for review by the Historic Preservation Review Board (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.*

The information provided in this submission was sufficient.

- 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 57.6 % lot occupancy is less than the 70% allowed under this provision.

- 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.*

No nonconforming use would be established under this proposal.

Based on the above analysis, this application meets the standards for special exception approval.

## **VI. AGENCY COMMENTS**

The District Department of Transportation expressed no objection to special exception request in a memorandum dated August 24, 2012.

This proposal will be brought before the Historic Preservation Review Board in late October. Based on its review, the State Office of Historic Preservation did not anticipate any concerns will be raised.

## **VII. COMMUNITY COMMENTS**

The case record file includes letters of support from the owners of the nearby properties at 710 A Street, 720 A Street and 19 8<sup>th</sup> Street SE.

On September 11, 2012, Advisory Neighborhood Commission (ANC) 6B voted unanimously to support the requested special exception approval. The ANC voted at the same meeting to support the associated application before the Historic Preservation Review Board.

On September 13, 2012, the Capitol Hill Restoration Society Zoning Committee found that the proposed addition (would not) substantially visually intrude upon the character, scale and pattern of house along the street frontage, and urged Board approved.