

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** March 19, 2013

**SUBJECT:** BZA Case 18517 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 608 Constitution Avenue, N.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 403.2, Lot Occupancy (60% maximum, 65.79% proposed); and
- § 2001.3, Enlargement of an Existing Structure

**II. LOCATION AND SITE DESCRIPTION:**

Address:	608 Constitution Avenue, N.E.
Legal Description:	Square 866, Lot 22
Ward:	6, 6C
Lot Characteristics:	The rectangular lot is 1,243 square feet in area with 16 feet of frontage along Constitution Avenue. The north side of the property abuts a 10 foot wide public alley.
Zoning:	R-4 – row dwellings
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Predominantly row dwellings

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Valerie Baldwin
Proposal:	Addition to an existing row dwelling, consisting of a first and second floor addition that will fill in the existing nonconforming open court.
Relief Sought:	§ 223 - Additions to a One-Family Dwellings or Flats



#### IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) § 400	40 ft. max.	21 ft.	21 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16 ft.	16 ft.	Existing nonconforming
Lot Area (sq.ft.) § 401	1800 sq.ft. min.	1242.72 sq.ft.	1242.72 sq.ft.	Existing nonconforming
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	65.79%	65.79%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	25.62 ft.	25.62 ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Court § 406	6 ft. min. (if provided)	3 ft.	0 ft.	None required

#### 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 requires special exception relief under § 223, § 403, Lot Occupancy and § 2001.3, addition to a nonconforming structure.

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 row dwelling currently has a 10'-2" X 12'-2" covered porch. This porch, along with the nonconforming three foot wide court would be converted into livable space, including a second story addition with the same footprint. This addition results in no aggregate increase in the lot occupancy calculation.

The row dwelling located east of the subject dwelling is constructed to the property line and does not feature any fenestrations. The row dwelling to the west features a second story window, which would be separated by a distance of three feet from the proposed addition. Given that the massing and height of the addition would be consistent with that of existing adjacent dwellings, it is not expected to have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

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

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

The proposed addition would be in scale with that of adjacent dwellings and would maintain its current two story height, where three stories would be permitted. Further, the proposed addition would not encroach further into the rear yard than the current covered patio and would have a setback similar to neighboring properties.

The building elevations have been reviewed by the ANC and are currently under review by the Historic Preservation Office for consistency within the Capitol Hill Historic District. As a result, the privacy of use and enjoyment of neighboring properties should 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 applicant submitted drawings illustrating the proposed addition would be consistent with the design of the dwelling and an improvement upon the existing covered porch. The proposed addition would not be visible from Constitution Avenue, as it would be the same height as the existing and neighboring dwellings. The structure would be mostly screened from view from the alley due to a rear setback of just over 25 feet, and adequate landscaping and fencing. As a result, the proposed addition would not substantially visually intrude upon the character, scale and pattern of dwellings along the subject street frontage.

- (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 has provided drawings, including site plan and elevations, and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways.

- 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 65.79 percent, which is less than the maximum of 70 percent permitted within the R-4 district with a special exception.

- 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 has no recommendations for special treatments for this application. However, as the subject property is located in the Capitol Hill Historic District, the proposed addition is scheduled to be heard at the April 25, 2013 Historic Preservation Review Board Hearing and is subject to modification as recommended by the Board. It is not anticipated that modifications to the elevation will impact the requested relief for lot occupancy.

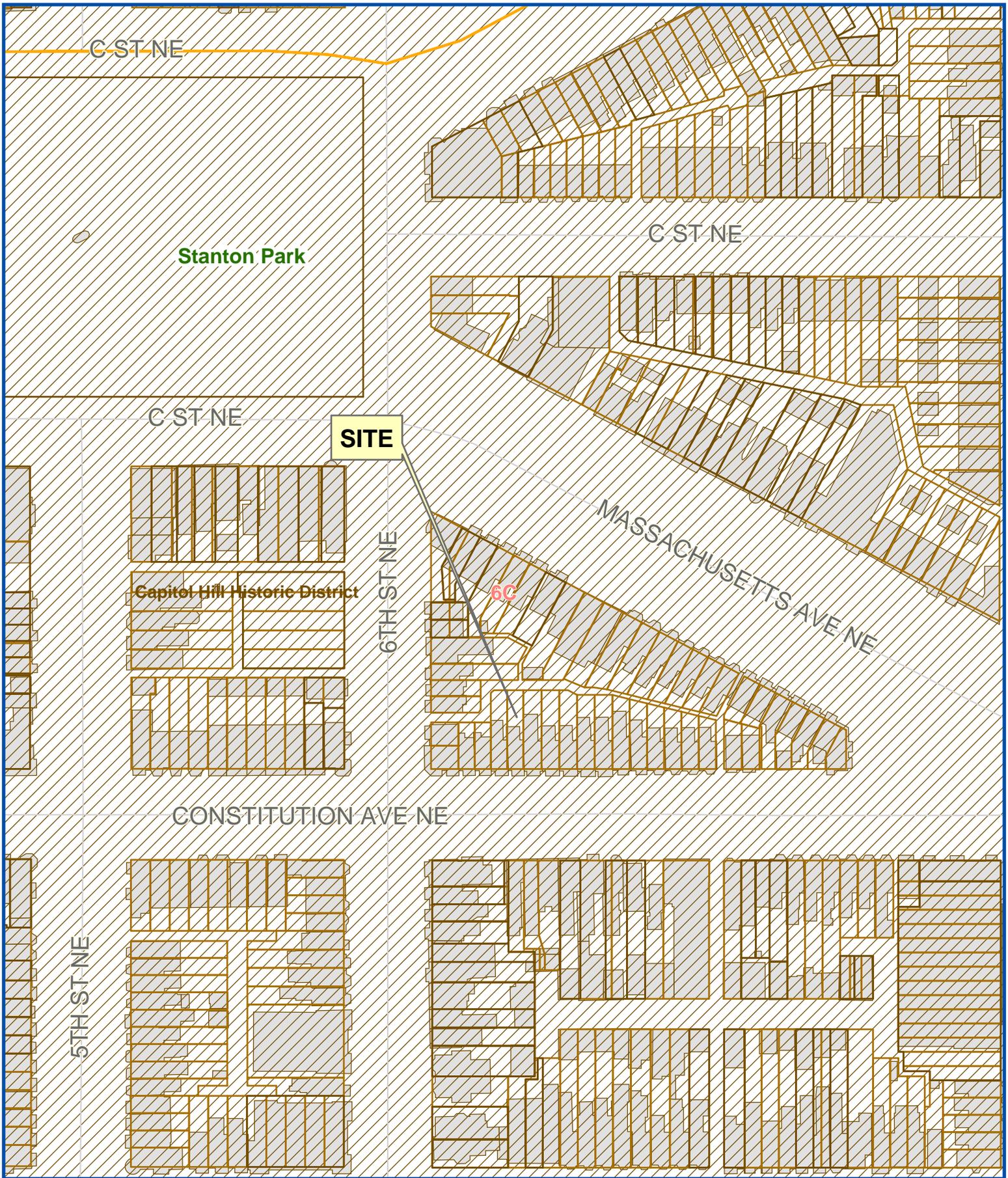
223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

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

## **VI. COMMUNITY COMMENTS**

Advisory Neighborhood Commission 6C voted to recommend approval of the proposed addition at its regularly held meeting on February 13, 2013. Further, letters of support have been provided from the neighbors located immediately west and east of the subject property.

Attachment: Location Map



## BZA 18517 - 608 Constitution Avenue, N.E.

### Legend

- 2002 ANCs
- Police Regional Operations Commands
- Police Service Areas

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.



DC Office of Planning

