

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** May 14, 2013  
**SUBJECT:** BZA Case 18552 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 939 T Street, NW.

**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, 47.8% existing, 70 % proposed); and
- § 2001.3, Enlargement of the lot occupancy to a structure that does not conform to the lot area requirement.

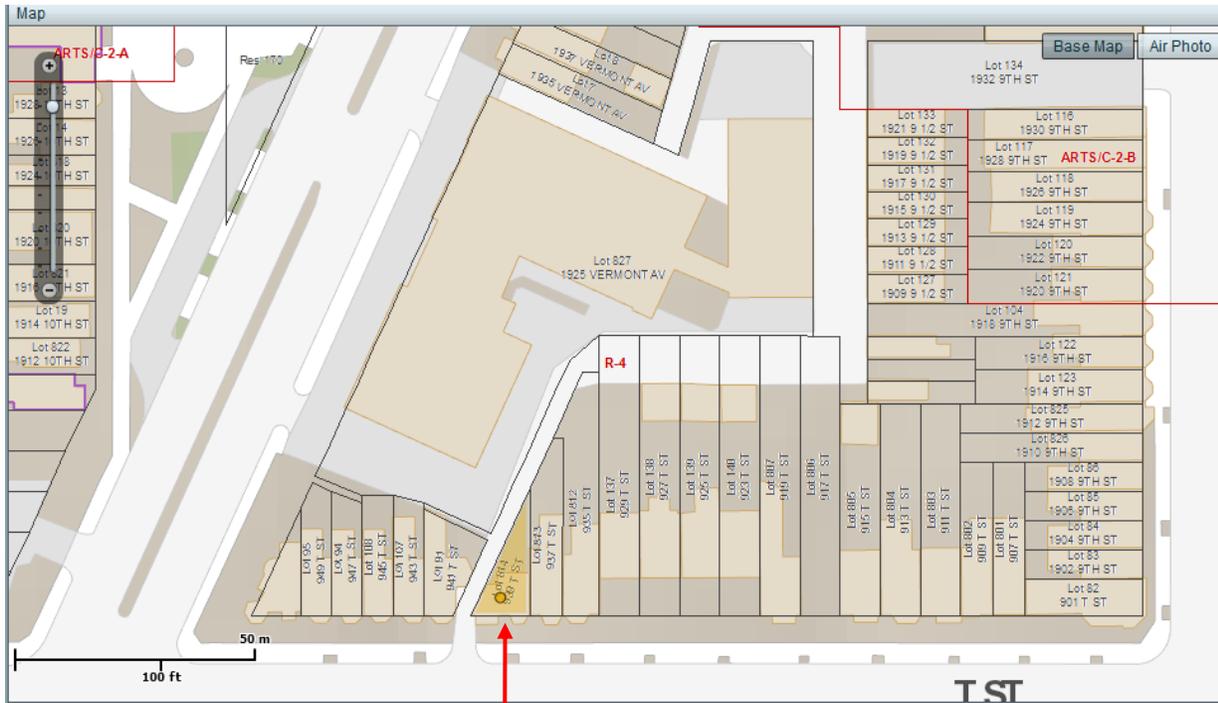
**II. LOCATION AND SITE DESCRIPTION:**

Address:	939 T Street NW
Legal Description:	Square 361, Lot 814
Ward:	1 /ANC 1B
Lot Characteristics:	Triangular-shaped (wedge shape) flat lot.
Zoning:	R4 –single-family row dwellings and flats permitted as a matter-of-right.
Existing Development:	End unit row-dwelling abutting a 10-foot wide alley to the west.
Historic District:	Greater U Street Historic District. The existing structure is a contributing structure in this historic district.
Adjacent Properties:	Predominantly single-family row dwellings and flats.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Scott Fay and Brett De Witt with Architect Bill Smith.
Proposal:	The applicant has proposed construction of a three-story rear addition to the two-story row house, which would extend the existing home’s footprint by 12 feet. The addition would extend above the existing roofline at the rear, to provide a small room with access to a roof deck. The single-family home is intended to be converted to a flat, as permitted by zoning.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats





**ZONING AND AERIAL** (Bing 2011)

**IV. ZONING REQUIREMENTS**

<b>R-4 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed<sup>1</sup></b>	<b>Relief</b>
Height (ft.) § 400	40 ft. max. 3 stories	29.5 ft	36.75 ft	None required
Lot Width (ft.) § 401	18 ft. min.	32.02 ft.	32.02 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,125 sq.ft.	1,125 sq.ft.	Existing nonconforming
Lot Occupancy § 403	60 % max.	47.8 %.	70%	<b>Relief required</b>
Rear Yard (ft.) § 404	20 ft. min.	Not provided	Not provided	<b>Not provided</b>
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Non-conforming structure § 2001.3 (b)	(b)The addition or enlargement itself shall: (1)Conform to use and structure requirements; and (2 )Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.	SF Home  Lot area: existing non-conformity	Flat  Enlargement of the lot occupancy to a structure that does not conform to the lot area requirement.	<b>Conforms</b>  <b>Relief Required<sup>2</sup></b>

**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.*

Flats are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §403 to expand the lot occupancy, and from § 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 row dwelling located east of the subject dwelling extends further than the proposed addition of the subject property. Given that the massing and height of the addition would be consistent with the adjacent residence, it is not expected to have a substantially adverse effect on the use or enjoyment of that property.

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

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

<sup>2</sup> The application includes relief from § 2001.3. OP questions whether this relief is required in this case but was not able to obtain a determination from the Zoning Administrator.

The proposed addition would be in scale with the adjacent dwelling and within the permitted height for the zone. Further, while the proposed addition would encroach further into the rear yard, it would be screened by a new privacy fence to protect the privacy of the neighboring property. 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 current design of the dwelling and an improvement upon the rear. The proposed addition would not be visible from T Street or the alley's entrance, according to the Historic Preservation Office's (HPO) review of the building elevations for consistency within the Greater U Street Historic District (Exhibit 12 of Applicant's submission).

- (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 70 percent, which is permitted with a special exception 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 has no recommendations for special treatments for this application. Historic Preservation staff noted in the attached HPO staff report that...*"the proposal is compatible with the character of the house and historic district..."*

- 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**

ANC 1B voted unanimously to support the project at its regularly held meeting on May 2, 2013. The ANC's report will be filed under separate cover. The applicant also submitted letters of support from neighbors to the record.

## **VII. AGENCY COMMENTS**

The District Department of Transportation's report of March 26, 2013 to the Board expressed no objection to approval of the requested special exception.