

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** September 3, 2013  
**SUBJECT:** BZA Case 18623 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing semi-detached dwelling at 328 16<sup>th</sup> Street, S.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 403.2, Percentage of Lot Occupancy (forty percent permitted, fifty percent proposed);
- § 405.2, Side Yard (eight feet required, 4.9 feet proposed); and
- § 2001.3, Enlargements or Additions to Nonconforming Structures.

The Office of Planning notes that the subject property is nonconforming for lot area and lot width.

**II. LOCATION AND SITE DESCRIPTION**

|                      |   |
|----------------------|---|
| Address              | 328 16 <sup>th</sup> Street, S.E.               |
| Legal Description    | Square 1089, Lot 33                             |
| Ward                 | 6   |
| Lot Characteristics  | Rectangular lot with rear alley access          |
| Zoning               | R-4 – row houses, flats and conversions         |
| Existing Development | Semi-detached dwelling, permitted in this zone. |
| Adjacent Properties  | Predominantly row and semi-detached dwellings   |

**III. PROJECT DESCRIPTION IN BRIEF**

|               |  |
|---------------|--|
| Applicants    | Jessica and Chad Cantwell  |
| Proposal      | Construct third floor addition to nonconforming semi-detached dwelling |
| Relief Sought | § 223 - Additions to One-Family Dwellings or Flats                     |



**IV. ZONING REQUIREMENTS**

| <b>R-4 Zone</b>        | <b>Regulation</b>         | <b>Existing</b> | <b>Proposed</b> | <b>Relief</b> |
|------------------------|---------------------------|-----------------|-----------------|---------------|
| Height § 400           | 40-foot max.              | < 30 feet       | 30 feet         | None required |
| Lot Width § 401        | 30-foot min.              | 18 feet         | 18 feet         | None required |
| Lot Area § 401         | 3,000 SF min.             | 1,611 SF        | 1,611SF         | None required |
| Floor Area Ratio § 402 | None prescribed           | --              | --              | None required |
| Lot Occupancy § 403    | 40% maximum;<br>70% by SE | 50%             | 50%             | Required      |
| Rear Yard § 404        | 20-foot min.              | 34.2 feet       | 34.2 feet       | None required |
| Side Yard § 405        | 8-foot min.               | 4.9 feet        | 4.9 feet        | 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.*

Semi-detached dwellings are a permitted use in this zone. The Applicants are requesting special exception relief under § 223 from the requirements of §§ 403, 405 and 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;*

Light and air would not be unduly affected. The proposed building addition would extend no closer to either the side or rear lot lines than the existing structure. At the rear the roof line would drop down in the general vicinity of where the existing structure faces the open court of the adjacent property to the north, minimizing the impact on neighboring property.

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

Privacy of use and enjoyment of neighboring properties would not be unduly compromised. The proposed windows on the third floor would face the existing side yard of the subject property or the rear yard, the same as the existing windows. The building would not extend further back into the lot and none of the proposed windows would face into the adjoining rear yard to the north.

- (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 proposed addition as viewed from either the street or alley would be residential in appearance and would not substantially visually 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 relationship of the proposed 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 fifty percent, less than the maximum of seventy percent permitted within the R-4 by 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 makes no recommendations for special treatment.

- 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 ANC 6B Planning and Zoning Committee voted to support the application at its meeting of July 2, 2013. The applicant informed the Office of Planning that the full ANC voted to support the application at its regularly scheduled meeting of July 9, 2013.

Sixteen neighbors submitted letters to the file in support of the application, including the adjacent neighbors to the north and south.

Vicinity Map:

