

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 Jøel Lawson, Associate Director Development Review  
**DATE:** July 15, 2014

**SUBJECT:** BZA Case 18808 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing flat at 425 New Jersey Avenue, S.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 403, Lot Occupancy (60 percent permitted, 67.8 percent proposed); and
- § 2001.3, Additions or Enlargements to Nonconforming Structures.

The subject property is nonconforming for minimum lot area and minimum court width and area.

**II. LOCATION AND SITE DESCRIPTION**

Address	425 New Jersey Avenue, S.E.
Legal Description	Square 693, Lot 44
Ward	6B
Lot Characteristics	Quadrilateral-shaped lot with no alley access
Zoning	R-4: Row houses and flats CAP: Capitol Interest Overlay District
Existing Development	Flat, permitted in this zone.
Historic District	Capitol Hill
Adjacent Properties	Predominantly row houses and flats. To the rear is a surface parking lot.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Thomas Trotter
Proposal	Second-story walk-in closet addition atop existing one-story plus basement addition at rear of property
Relief Sought	§ 223 - Additions to a One-Family Dwellings or Flats



**IV. ZONING REQUIREMENTS**

<b>R-4/CAP Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 400	40-foot max.	28.5 feet	28.5 feet	None required
Lot Width § 401	18-foot min.	18.9 feet	18.9 feet	None required
Lot Area § 401	1,800 SF min.	1,625 SF	1,625 SF	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	60% max. 70% with SE	67.8%	67.8%	Required
Rear Yard § 404	20-foot min.	25.1 feet	25.1 feet	None required
Court § 406				
-Area	350 SF min.	93.5 SF	93.5 SF	None required
-Width	6-foot min.	5.6 feet	5.6 feet	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.*

Flats are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403 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;*

The proposed addition would be lower in height and provide a larger rear yard than the structures on the adjoining lots, minimizing any effect on neighboring properties. It would also have no effect on the surface parking lot to the rear.

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

The proposed addition would not extend as far back into the rear yard as the structures on the adjacent lots to the north and south, minimizing the impact on the privacy of neighboring properties.

- (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 addition and original building would be visible from Ivy Street and the surface parking lot to the rear. However, as a residential addition to a residential structure it would not substantially 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 elevations 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 67.8 percent, less than the maximum of 70 percent permitted within the R-4.

- 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.

The Historic Preservation Office approved the plans for the proposed addition.

## **VI. COMMUNITY COMMENTS**

Adjacent property owners to the north (423 New Jersey Avenue) and to the south (427 New Jersey Avenue) submitted letters to the file in support of the application.

ANC 6B, at its regularly scheduled meeting of July 8, 2014, voted to support the application.