

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
*JLS for*  
 Joel Lawson, Associate Director Development Review  
**DATE:** February 3, 2015

**SUBJECT:** BZA Case 18920 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 750 9<sup>th</sup> Street, S.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 403.2, Lot Occupancy (60% maximum, 69.9% proposed); and
- § 404.1, Rear Yard (20 feet required, 0 feet proposed).

The original filing for this request includes two options for relief. The first option was special exception relief from § 403.2 for lot occupancy and variance relief from § 2500 for height, while the second option was special exception relief from § 403.2 for lot occupancy and § 404.1 for rear yard. Since the filing of these requests, OP has worked with the applicant to narrow the relief into one option, and the applicant has submitted a letter to the file clarifying that the second option, requesting special exception relief from lot occupancy and rear yard, is the preferred one; therefore, OP’s analysis and recommendation focuses on this relief.

**II. LOCATION AND SITE DESCRIPTION:**

Address:	750 9 <sup>th</sup> Street, S.E.
Legal Description:	Square 950, Lot 65
Ward:	6, 6B
Lot Characteristics:	The rectangular lot is 1,614 square feet in area, with a frontage of 16 feet along 9 <sup>th</sup> Street. The lot extends to a 30 foot wide public alley, where the lot has a width of 16 feet.
Zoning:	R-4 – row dwellings
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Existing row dwellings are located to the north and east of the subject site. To the south, lies an existing multi-family building. The Marine Barracks are located west of the site, across 9 <sup>th</sup> Street.

Surrounding Neighborhood Character:	The surrounding neighborhood character is largely residential, with the square developed primarily as row dwellings. The site is located just one block from 8 <sup>th</sup> Street, which serves as the commercial corridor for the neighborhood.
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**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Christopher Hutson
Proposal:	The proposal consists of the addition of a two story garage and artist studio, with the ground floor accommodating a vehicle, and the second story providing space for an artist studio, restroom and storage. The addition will be attached to the main dwelling by a trellis structure.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

**V. ZONING REQUIREMENTS**

R-4 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) § 400	40 ft. max.	27.5 ft.	27.5 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16 ft.	16 ft.	Existing nonconforming
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,614 sq.ft.	1,614 sq.ft.	Existing nonconforming
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	42.1%	69.9%	Required
Rear Yard (ft.) § 404	20 ft. min.	57.4 ft.	0 ft.	Required

**VI. 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 is requesting special exception relief under § 223 from the requirements of § 403, lot occupancy and § 404, rear yard.

223.2 *The addition or accessory structure shall not have a substantially adverse effect 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;*

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

The proposed addition would not affect the light and air available to neighboring properties. The addition would be located at the rear of the lot, adjacent to a public alley, and would provide a minimum separation of approximately 40 feet from the nearest inhabited structures. In addition, the 30 foot wide public alley provides a significant buffer from properties located east of the addition. The applicant has indicated that neighbors would be minimally impacted by shadows caused by the structure for a brief period in the late afternoon.

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

The privacy and use and enjoyment of neighboring properties should not be unduly compromised. While the addition would provide a studio space on the second floor, it would not serve as a residence and would be approximately 35 feet from neighboring dwellings. Existing privacy fences will provide screening, and the 30 foot wide public alley provides separation from dwellings to the east. The applicant has further alleviated neighbors' concerns regarding privacy by providing lattice screens on the sides of the second floor access landing.

*(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 would not visually intrude upon the character, scale and pattern of houses along the street frontage. The existing row dwelling does not have side yards, so the structure would not be visible from 9<sup>th</sup> Street. The proposed addition would have a height of 21 feet, and would be screened by the existing dwelling, which stands at 27.5 feet high. While the addition would be visible from the public alley, it has been reviewed and approved by the Historic Preservation Review Board, which determined it to be consistent with the character of the Capitol Hill Historic District.

*(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 graphical representations, including a site plan, building elevations and photographs to demonstrate 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 lot occupancy of all new and existing structures on the lot would be 69.9%, which is less than 70% permitted with the approval of a special exception in 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 does not recommend special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features from the protection of adjacent and nearby properties.

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

The proposed use is a garage and artist studio, which is permitted in this District.

## **VII. AGENCY COMMENTS**

As of the date of this writing, comments from other agencies had not been received.

## **VIII. COMMUNITY COMMENTS**

At its regularly scheduled meeting on January 13, 2015, ANC 6B voted to recommend approval of the requested relief. The applicant has also provided several letters of support from neighbors to the file.

Attachment: Location Map

Location Map

