

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** March 3, 2015

**SUBJECT:** BZA Case 18944 - request for special exception relief under § 223 to 1505 Harvard Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 2001.3, Enlargements or Additions to Nonconforming Structures.

**II. LOCATION AND SITE DESCRIPTION**

Address	1505 Harvard Street, N.W.
Legal Description	Square 2577, Lot 42
Ward	1A
Lot Characteristics	Quadrilateral-shaped lot with no alley access
Zoning	D/R-5-B D: Mixed Use Diplomatic Overlay District R-5-B: Moderate density residential, permitting rowhouses, flats and small apartment buildings.
Existing Development	Two story row dwelling constructed in 1915, permitted in this zone, with an addition approved by the BZA in 2010.
Adjacent Properties	North and East: Row houses South: Across Harvard Street, a church West: Six-story apartment building
Surrounding Neighborhood Character	A mix of residential rowhouses and apartments buildings as well as churches and embassies.

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Michael Reitz
Proposal	Partial third-story addition with a sun room and roof deck, and enclosure of second floor deck.
Relief Sought	Pursuant to § 223, § 2001.3 relief to permit the enlargement of or an addition to a one-family dwelling.

**V. ZONING REQUIREMENTS**

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	50-foot max.	26 feet, 3 inches	34 feet, 8 inches	None required
Lot Width § 401	N/A	38.96 feet	38.96 feet	None required
Lot Area § 401	N/A	1,897 square feet	1,897 square feet	None required
Floor Area Ratio § 401	1.8 max.	1.34	1.47	None required
Lot Occupancy § 403	60% max.; 70% by SE	69.6%	69.6%	None required
Rear Yard § 404	15-foot min.	12 feet	12 feet	None required <sup>1</sup>
Additions to non-conforming building § 2001.3	Relief required	Nonconforming for lot occupancy	Additions	Relief required

**VI. HISTORY**

BZA Order 17810-A, dated November 24, 2010, granted relief under Section 223 to increase lot occupancy to 69.6 percent and permit an addition to a nonconforming structure for the construction of a two-story addition onto the west side of the dwelling. That building addition was constructed.

**VII. 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 § 2001.3, Enlargements or Additions to Nonconforming Structures.

<sup>1</sup> Sec. 404.4 permits an extension or addition to a pre-1958 building into the required rear yard, provided it is limited to the portion of the rear yard included in the building area on May 12, 1958.

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;*

The proposed area of the third-floor addition would occupy approximately a quarter of lot, less than the sixty percent lot occupancy permitted as a matter-of-right for row houses, and would be located to the east of a six-story condominium apartment building on the adjacent property. The lot occupancy, at 69.6 percent, although in excess of the maximum sixty percent otherwise permitted for row houses within the D/R-5-B, would remain unchanged; the footprint of the existing building would not change. The third floor addition would be set back about twelve feet from the rear lot line.

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

Enclosure of the second-story deck would eliminate existing windows and doors to the outside on that floor. The addition of the third floor would add windows onto the back of the structure, facing into the rear yard, and doors facing into the proposed roof deck, approximately fifteen feet from the side lot line and the common lot line of the adjoining multi-family structure. The roof deck would be partially screened from the south (Harvard Street) by a 4.5-foot high wall, from the west by a five-foot high wall, and from the east by the proposed sun room. To the north the proposed sun room and roof deck would face into the applicant's rear yard.

- (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 third floor addition would be visible from Harvard Street. It would be similar in character and pattern to existing structures, and generally in scale with the other row houses within the square on the north side of Harvard Street.

- (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 submitted plans, photographs and elevations sufficient to represent the relationship of the proposed additions.

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 and existing lot occupancy of 69.6 percent is less than the maximum seventy percent permitted in the R-5 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.*

OP makes no special treatment recommendations.

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.

## **VIII. AGENCY COMMENTS**

No comments were received from other District agencies.

## **IX. COMMUNITY COMMENTS**

ANC 1A, at its regularly scheduled meeting of January 14, 2015, recommended approval of the application.

Two letters from neighboring residents in opposition to the application were submitted to the file.

Attachment: Location Map

