

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: June 16, 2015

SUBJECT: BZA Case 19019 – 1551 3rd Street, NW

I. RECOMMENDATION

With regards to this proposal to build an addition to an existing flat, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

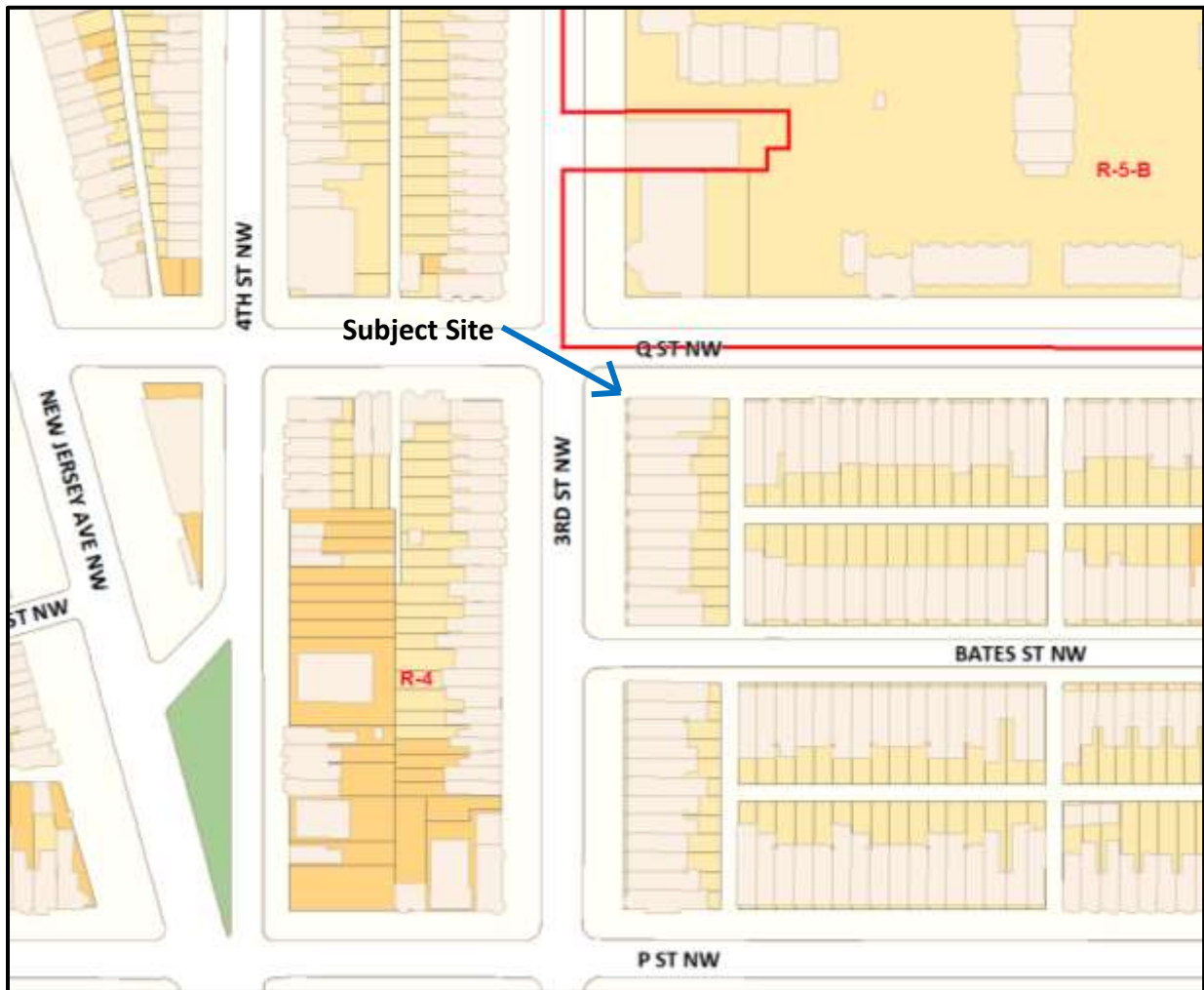
- § 403, Lot Occupancy (60% maximum, 69.9% proposed);
- § 2001.3, Additions to Non-conforming Structures (Must conform to lot occupancy; does not conform to lot occupancy).

II. LOCATION AND SITE DESCRIPTION

Address	1551 3 rd Street, NW
Legal Description	Square 552, Lot 60
Ward and ANC	5, 5E
Lot Characteristics	Rectangular corner lot – 17’ x 90’; Alley access at rear.
Zoning	R-4 – single family rowhouse; flats permitted as a matter-of-right
Existing Development	Two-story flat
Historic District	None
Adjacent Properties	Property to the south appears to be a flat, property to the east appears to be single family
Surrounding Neighborhood Character	Mostly single family residential and flats; Some institutional uses

III. PROJECT IN BRIEF

Applicant	Better Living Development, LLC
Proposal	Renovate and expand an existing flat into a larger flat, going from two stories to three stories
Requested Relief	§223 - Additions to a One-Family Dwellings or Flats



IV. ZONING REQUIREMENTS

R-4	Requirement	Existing	Proposed	Relief
Height (§ 400)	40', 3 stories	23'7", 2 stories	34'3", 3 stories	Conforming
Lot Area (§ 401)	1,800 sf	1,530 sf	No change	Existing Nonconforming
Lot Width (§ 401)	18'	17'	No change	Existing Nonconforming
Lot Occupancy (§ 403)	60%	~85% (1,305 sf)	69.9%	Requested
Rear Yard (§ 404)	20'	20'	24'	Conforming

R-4	Requirement	Existing	Proposed	Relief
Side Yard (§ 405)	None required	None	No change	Conforming
Additions to non-conforming structures § 2001.3	Must conform to lot occupancy	Non-conforming for lot occupancy	Lower lot occupancy but still non-conforming	Requested

V. 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.

The existing use of a flat would be maintained. The applicant proposes to renovate the existing structure and add a third story. The existing rear porch and a portion of the structure would be removed to reduce the existing lot occupancy. In order to build as proposed, the application requests special exception relief under § 223 from the requirements of § 403, Lot Occupancy, and § 2001.3, Additions to Nonconforming Structures.

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;

Light and air available to neighboring properties should not be unduly affected. The proposed third floor addition is to the north of the adjacent rowhouses, so would not block sunlight. It is possible that a small amount of additional evening shadow could be cast on the house to the east, but not more that could be expected in a rowhouse neighborhood. The flow of air to neighboring properties would not be impacted.

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

The renovated structure would have many windows on the Q Street side of the building, but those would not impact the privacy of nearby residents. The east and west sides of the building would have very few new windows, and privacy of nearby neighbors to the east would actually be increased through removal of the existing porch.

- (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 construction of the additional story on the house, while taller than most nearby rowhouses, would not be out of character with a dense, urban rowhouse neighborhood. Historically rowhouses on the corner of a block would be marked with a special architectural treatment such as a turret, so additional height on this site would not be inconsistent with that concept of urban design.

- (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 submitted elevations, floor plans and photographs that illustrate the proposed addition and its surroundings.

- 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.*

With the proposed addition the lot occupancy would be 69.9%.

- 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 recommends no special treatments or conditions.

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

The applicant does not propose to introduce a nonconforming use.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VII. COMMUNITY COMMENTS

As of this writing OP has not received any comments from the community.