

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: November 3, 2015
SUBJECT: BZA Case 19104 - request for special exception relief under § 223 to 1617 Gales Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Lot Occupancy (maximum 40 percent permitted, 64.2 percent proposed); and
- § 404, Rear Yard (20-foot minimum required, 14 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1617 Gales Street, N.E.
Applicant	Jacob Joyce
Legal Description	Square 4540, Lot 156
Ward	6A
Lot Characteristics	Rectangular lot with rear alley access
Zoning	R-4: flats, row houses and conversions
Existing Development	Flat, permitted in this zone
Adjacent Properties	Flats and row houses
Surrounding Neighborhood Character	Moderate density residential

III. PROJECT DESCRIPTION IN BRIEF

A nonconforming exterior staircase in disrepair was removed from the rear yard of the subject property and the applicant proposes to replace it with an exterior circular stair. The original stair provided for emergency egress from the dwelling. The new stair would provide access to a new roof deck, for which the applicant received a building permit.

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	35 feet and 3-story max.	<35 feet and two-stories	< 35 feet and two-stories	None required
Lot Width § 401	18-foot min.	16 feet	16 feet	None required
Lot Area § 401	1,800 SF min.	1,040 SF	1,040 SF	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.; 60% by SE	62.5%	64.2%	Required
Rear Yard § 404	20-foot min.	±18.5 feet	14 feet	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.*

The subject application is for relief from Section 403, Lot Occupancy, and Section 404, Rear Yard, to permit an addition to a flat within the R-4 district.

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 stairwell contains no walls, allowing light and air to pass through it and causing a minimal amount of shade.

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

The proposed stairwell would be located closer to the rear wall of the dwelling, minimizing the impact this circular stair would have on the use and enjoyment of neighboring properties. Although it would be located closer to the rear lot line required by the R-4, the rear lot line of the subject property abuts a public alley, increasing the distance between the staircase and the rear yard of the property to the south of the public alley.

(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 relief requested would allow for a new staircase in the rear yard of the subject property, smaller than other existing rear stairwells within the square, but consistent with rear access provided to other dwellings along the alley.

- (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 and photographs sufficient to represent the relationship of the proposed staircase 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 proposed lot occupancy is 64.2 percent, less than the 70 percent permitted in the R-4 district 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 applicant does not propose to introduce or expand a nonconforming use.

VII. AGENCY COMMENTS

In a memorandum dated October 7, 2015, the District Department of Transportation indicated that it had no objection to the application.

No other agency comments were received.

VIII. COMMUNITY COMMENTS

ANC 6A, at its regularly scheduled meeting of September 10, 2015, voted to support the application.

Six community residents submitted letters in support of the application, including the adjacent neighbor to the east.

Attachment: Location Map

