

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 8, 2016

SUBJECT: BZA Case 19228 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing flat at 1513 Church Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, Lot Coverage (60 percent permitted, 70 percent proposed);
- § 406.1, Open Court (6-foot width required, 3.4-foot width proposed); and
- § 2001.3, Enlargements or Additions to Nonconforming Structures.

II. LOCATION AND SITE DESCRIPTION

Address	1513 Church Street, N.W.
Applicant	Michael Buff
Legal Description	Square 194, Lot 91
Ward, ANC	2, 2B
Zone	R-5-B: moderate to medium-density residential DC: Dupont Circle Overlay District
Historic District	Greater Fourteenth Street
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	Flat
Adjacent Properties	North, East and West: Row houses and flats South: Across Church Street, a church and a parking lot
Surrounding Neighborhood Character	Residential and institutional uses

Proposed Development	Construction of rear second story addition above the first floor and a roof deck above the second floor. The rear addition would not increase lot occupancy, but the existing open court would be expanded upwards, maintaining the existing court width.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

DC/R-5-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	50-foot max.	30 feet	30 feet	None required
Lot Width § 401	None prescribed	15.5 feet	15.5 feet	None required
Lot Area § 401	None prescribed	1,473 square feet	1,473 square feet	None required
Floor Area Ratio § 401	1.8	1.1	1.1	None required
Lot Occupancy § 403	60% maximum; 70% by SE	70%	70%	Required
Rear Yard § 404	15-foot min.	15 feet	15 feet	None required
Court Width § 406	6-foot min.	3.4 feet	3.4 feet	Required

IV. 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 §§ 403.2, 406.1 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 building addition would consist of 56 square feet above an existing one-story addition at the rear of the structure. The roof deck would not unduly affect light and air as it would consist of no walls or roof.

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

The proposed addition would be built to the common lot line on the west side of the lot, with no openings facing that side of the property. Windows and doors would only open into the applicant’s rear yard or open court, maintaining the existing situation.

Letters were submitted to the file from the residents of the adjoining properties to the east and west in support of the application.

- (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 would be visible from the public alley at the rear. It would extend above an existing one-story addition at the rear of the property, maintaining the existing footprint, and add a spiral staircase to provide access from the rear yard to a new roof deck, and be residential in appearance. The subject application would provide for a new deck at the rear of the subject property, in addition to other rear decks within the square.

- (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 elevation drawings sufficient to represent the proposed addition.

The Historic Preservation Office indicated that the addition was minor and could be approved administratively.

- 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 seventy percent, the maximum permitted by special exception in the R-5-B zone.

- 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 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.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VI. COMMUNITY COMMENTS

ANC 2B, at its regularly scheduled meeting of February 10, 2016, voted to support the application.

Adjacent neighbors to the east and west submitted letters to the file in support of the application.

Location Map:

