

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 5, 2016
SUBJECT: BZA Case 19294 – expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing semi-detached dwelling at 328 D Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, lot occupancy (40% maximum permitted, 42% existing, and 56.3% proposed);
- § 405.9, side yards (8 feet minimum required, 3.5 feet and 1.4 feet existing and proposed);
- § 406.1, open court (6 feet minimum required, 1.4 feet proposed); and
- § 2001.3, expansion of nonconforming structure.

The Applicant has requested relief based on the subject dwelling being considered a detached structure; however, OP believes that the dwelling could be considered a semi-detached dwelling.

II. LOCATION AND SITE DESCRIPTION

Address:	328 D Street SE
Applicant	Frederick Taylor, AIA, Agent on behalf of Andrew Devine, Owners
Legal Description:	Square 792, Lot 801
Ward / ANC:	6 / 6B
Zone:	Capitol Interest Overlay (CAP)/R-4 – detached, attached, semi-detached, single-family dwellings and flats.
Historic District or Resource:	Capitol Hill Historic District
Lot Characteristics:	Rectangular lot bounded by D Street SE to the south and adjoining lots to the north, east, and west.
Existing Development:	Single-family semi-detached dwelling, permitted in this zone.
Adjacent Properties:	The adjacent properties are improved with single-family semi-detached dwellings.

Surrounding Neighborhood Character:	The surrounding neighborhood is predominantly single-family semi-detached and row dwellings in the CAP/R-4 zone district.
Proposed Development:	The Applicant is proposing to construct a new two-story addition.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

CAP/R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	35 ft. max.	16.5 ft.	22 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	21.3 ft.	21.3 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,706.4 sq. ft.	1,706.4 sq. ft.	Existing non-conforming
Floor Area Ratio § 401	None prescribed			None required
Lot Occupancy § 403	40% max.	42%	56.3%	16.3%
Rear Yard (ft.) § 404	20 ft. min.	37.5 ft.	25.7 ft.	None required
Side Yard (ft.) § 405	8 ft. min.	3.5/1.4 ft.	3.5/1.4 ft.	4.5/6.6 ft.
Court § 406	4"/ft. of height 6 ft. min.	N/A	1.4 ft. x 3.8 ft.	5.6 ft.

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.

Single-family dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403.2, 405.9, 406.1, and 2001.3.

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 addition should not unduly affect the light and air available to neighboring properties. The property to the north at 323 4th Street SE abuts the rear yard of the subject property and has only one window on its south façade that would face the addition. The proposed addition would not encroach on the required rear yard and would provide a rear yard of 25.7 feet. The property at 330 D Street SE shares a party wall with the subject property and has a rear addition that terminates approximately 3.8 feet before the proposed addition at the subject property. The property at 326 D

¹ Information provided by applicant.

Street SE features a semi-detached dwelling that sits approximately 3.5 feet from the property line. The dwelling at the subject property also sits approximately 3.5 feet from the shared property line, providing a total of 7 feet between the two dwellings.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed addition would result in an extension of the existing footprint of the dwelling to the rear that would not further encroach on any required side 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 addition should not be visible from D Street SE; however, it would be visible from 4th Street SE. The scale and detailing of the proposed addition would be in character with other houses on the street and should not substantially visually intrude upon the character, scale and pattern of houses along 4th Street SE.

(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 provided sufficient information, including plans, photographs, and elevations to demonstrate compliance with paragraphs (a), (b) and (c) of this subsection.

*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 is currently 42% and the proposed addition would increase the lot occupancy to 56.3%. Therefore, lot occupancy would remain below the maximum permitted lot occupancy of 70%.

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.

No special treatment is recommended.

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

The row dwelling would continue to be used as a single family residence and would not permit the introduction of a nonconforming use if the requested special exceptions are approved.

- 1202.1 *In an application for a special exception in any CAP Overlay District, the Board of Zoning Adjustment shall consider whether the proposed development is:*
- (a) *Compatible with the present and proposed development of the neighborhood;*
 - (b) *Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and*
 - (c) *In accordance with the plan promulgated under the Act.*

The subject property is located in the Capitol Interest Overlay and the proposed addition would be compatible with the present and proposed development of the neighborhood and consistent with the goals and mandates of the Master Plan for Future Development of the Capitol Grounds and Related Areas.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies had not been received at the time this report was drafted.

VI. COMMUNITY COMMENTS

The Applicant indicates in the application that ANC 6B, the Capitol Hill Restoration Society, and Historic Preservation Review Board favorably reviewed the proposed addition. (See Exhibit 6)

Attachment: Location Map



Location Map: 328 D Street SE