

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: February 24, 2017
SUBJECT: BZA Case 19433 - request for special exception relief under Subtitle E § 5201 to permit an addition to a single-family dwelling in the RF-1 zone at 1335 Massachusetts Avenue, SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- § 304.1, lot occupancy (60% maximum permitted, 65% proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	1335 Massachusetts Avenue SE
Applicant:	Jennifer Fowler, Agent on behalf Anita Puri and Robert Legg, Owners
Legal Description:	Square 1037, Lot 89
Ward / ANC:	6 / 6B
Zone:	RF-1 – detached, attached, semi-detached, single-family dwellings and flats.
Historic District	Capitol Hill Historic District
Lot Characteristics:	Generally rectangular lot measuring 17.75 feet in width and 105.44 feet in depth. The lot is bounded by Massachusetts Avenue SE to the north, a 10-foot wide improved public alley to the south, and adjoining lots to the southeast and northwest.
Existing Development:	The property is improved with an existing two-story single-family row dwelling, which is permitted in the RF-1 zone.
Adjacent Properties:	The adjacent properties to the east and west at 1333 and 1337 Massachusetts Avenue SE are also improved with existing single-family residential row dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood is residential in character. To the northwest is Lincoln Park.

Proposed Development:	The Applicant is proposing to construct a third floor addition and roof deck, as well as a second floor addition and deck at the rear of the property.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) E § 303	35 ft. max./3 stories	31.75 ft.	35 ft.	None required
Lot Width (ft.) E § 201	18 ft. min.	17.75 ft.	17.75 ft.	Existing nonconforming
Lot Area (sq.ft.) E § 201	1,800 sq. ft. min.	1,871.56 sq. ft.	1,871.56 sq. ft.	None required
Floor Area Ratio	None prescribed	N/A	N/A	None required
Lot Occupancy E § 304	60% max.	58%	65%	5%
Rear Yard (ft.) E § 306	20 ft. min.	32.3 ft.	25.6 ft.	None required
Side Yard (ft.) E § 307	None required, but 5 ft. min. if provided	N/A	N/A	None required
Court E § 203	2.5 in./1 ft. height min.	N/A	N/A	None required

IV. OP ANALYSIS:

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant is requesting relief from the lot occupancy provisions.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

¹ Information provided by applicant.

The Applicant is proposing additions to an existing single-family row dwelling.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed 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 property to the northwest at 1333 Massachusetts Avenue would be separated from the rear addition by a 9-foot open court. The proposed addition would extend approximately 8 feet beyond the existing two-story covered porch at 1337 Massachusetts Avenue. The addition would not feature windows at the property line with 1337 Massachusetts Avenue.

The proposed third floor addition would not rise above the existing roof parapet and would be setback 14 feet from the front of the subject property and adjoining properties.

The proposed additions should not unduly affect the light and air available to neighboring properties.

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

The proposed addition would be face-on-line adjacent to 1337 Massachusetts Avenue and would not feature windows on the southeast façade. The proposed addition would be separated by an open court at 1333 Massachusetts Avenue. Therefore, privacy of use and enjoyment of neighboring properties should not be unduly compromised.

(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;

The proposed addition would not be visible from a public street. It would be visible from the alley, but should not substantially visually intrude on the character, scale, and pattern of houses in the 1300 block of Massachusetts Avenue SE. The square is dense and features a variety of styles, including detached garages, open rear porches, covered rear porches, and enclosed rear additions. The Applicant is proposing a combination of hardi plank siding and trim and azek cornice and panels as the finish material, which is not out of character with surrounding houses.

(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; and

The applicant has submitted elevations, floor plans and photographs that illustrate the proposed addition and its surroundings.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The lot occupancy with the proposed addition would be 65%.

5201.4 The Board of Zoning Adjustment 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 or conditions are recommended.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The proposed additions would not permit the introduction or expansion of a nonconforming use. The property is used and would continue to be used as a single-family dwelling, which is permitted in the RF-1 zone.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed third floor addition would not exceed the maximum permitted height of 35 feet and 3 stories.

Subtitle X Chapter 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Granting the special exception relief for lot occupancy for the proposed two-story addition would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The additions would not be visible from a public street and would be constructed of high quality materials.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposed addition should not adversely affect the use of neighboring properties.

(c) Subject in specific cases to the special conditions specified in this title.

No special conditions are recommended.

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 provided letters in support from the adjoining property owners at 1333 and 1337 Massachusetts Avenue SE (Exhibits 33 and 28, respectively), as well as other property owners in the area (Exhibits 29 – 32).

ANC 6B had not provided a resolution at the time this report was drafted.

Attachment: Location Map

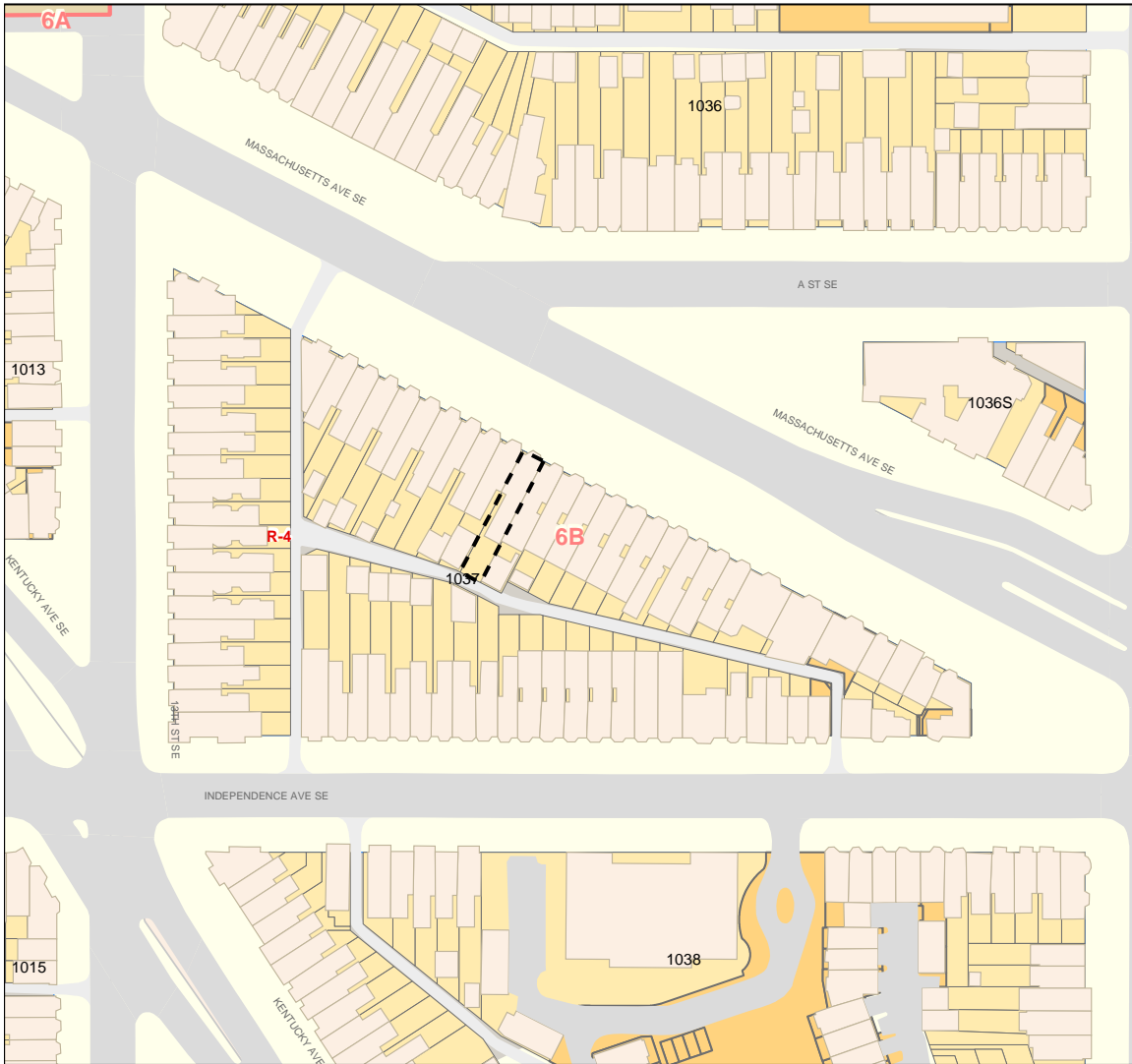


Figure 1: Location Map, 1335 Massachusetts Avenue SE