

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: May 18, 2018

SUBJECT: BZA #19742 – 732 4th Street, NE – Request for special exception relief under Subtitle E § 5201 to permit a rear and third floor addition

I. RECOMMENDATION

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

- E § 304 Lot Occupancy (60% permitted as a matter of right; 70% permitted by special exception; 69.95% proposed).

II. LOCATION AND SITE DESCRIPTION

Applicant	Anthony Balestrieri
Address	732 4 th Street, NE
Legal Description	Square 777, Lot 34
Ward / ANC	6, 6C
Zone	RF-1 (Moderate density rowhouses and flats)
Historic District or Resource	Capitol Hill Historic District
Lot Characteristics	The rowhouse lot fronts on 4 th Street and has two adjacent alleys – a 10’ alley on the north and a 12’ alley on the west. The otherwise rectangular lot has a triangular cutout at the intersection of the alleys. The lot is therefore 80’ deep on south and 75’ deep on the north.
Existing Development	Two story rowhouse with dogleg on south side; Patio and non-conforming parking pad at the rear.
Adjacent Properties and Neighborhood Character	Rowhouse to the south is the same size, but the two next houses further to the south have third floor additions. Multi-story mixed use development across the alley to the north and northwest, fronting on H Street; Alley rowhouses to the west.
Proposal	Construct a rear and three-story addition which would fill in the dogleg and extend the rear wall 8’3” back from the existing rear wall. The third floor addition would be only a partial third floor, set back 16’4” from the front wall of the house. The building would remain a single family dwelling.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant requests relief for lot occupancy in order to construct as proposed.

Item	Regulation	Existing	Proposed	Relief
Lot Width E 201	18'	16'4"	No change	Existing Nonconforming
Lot Depth	n/a	75' – North 80' – South	No change	Conforming
Lot Area E 201	1,800 sf	1,294 sf	No change	Existing Nonconforming
Pervious Surface E 204	0% required	0%*	0%*	Conforming
Height E 303	35'	26'1"	31'5.875"	Conforming
Lot Occupancy E 304	60% 70% by spec. ex.	54.5% 705.5 sf	69.95% 905 sf	Requested
Front Setback E 305	w/i range existing on block	In-line with other homes	No change	Conforming
Rear Yard E 306	20'	27.3' – North 32.3' – South	19.58' – North 24.58' – South <hr/> 24.3' – Weighted Avg. per B § 318.2	Conforming
Side Yard E 307	None required;	None	No change	Conforming
Parking	1	0	No change	Existing Non-conf.

* Estimated by OP

IV. ANALYSIS

SUBTITLE E § 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 seeks a special exception for lot occupancy.

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.*

The subject of the application is an addition to an existing residential building.

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 light and air available to neighboring properties should not be unduly affected. The house would be extended about eight feet to the rear, and a third floor would be added to the back portion of the house. While a small amount of new shadow might be created, most of the shadow would fall on the subject property or the adjacent alleys.

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

The privacy of adjacent properties should not be unduly compromised. The proposed addition would not have windows facing onto the lot to the south, and the windows that are otherwise proposed would have no greater impact than a matter-of-right project.

(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 addition would be visible from the alleys, but would not be out of character with an alley system with other existing additions to nearby residential properties, nor with multi-story mixed use development at the northern end of the block. The addition would be slightly visible from the street, but the applicant has worked with Historic Preservation Office (HPO) staff to ensure that the design is compatible with the historic district and presents as minimal a visual intrusion as possible.

(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 application includes plans, elevations and photographs to represent the existing and proposed conditions.

(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 application proposes a lot occupancy of 69.95%.

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.

OP recommends no special treatments.

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

The applicant proposes to use the property as a single family home.

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 height of the house would remain conforming.

V. HISTORIC PRESERVATION

The project is scheduled to go before the Historic Preservation Review Board on May 31, 2018.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT has submitted a memo at Exhibit 42 stating no objection to the application. As of this writing OP has not received comments from other agencies.

VII. COMMUNITY COMMENTS

The record includes several letters in support of the application (Exhibits 11 – 14). As of the date of this memo, the ANC had not filed a report to the record.