



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: February 22, 2019

SUBJECT: BZA #19932 – 1227 4th Street, NW – Special exceptions to permit a rear addition to an existing single family dwelling

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested relief:

- E § 304, Lot Occupancy, pursuant to E § 5201 (42.8% existing, 60% permitted as a matter of right, 70% permitted by special exception, 70% proposed);
- E § 205.4, Rear Yard / Depth of Rear Addition, pursuant to E § 205.5 (Addition no more than 10' beyond neighbor permitted as a matter of right; Addition more than 10' beyond neighbor permitted by special exception; 18'5" proposed).

OP's analysis is based on the plans found at Exhibit 34. Based upon the feedback the applicant received from the Historic Preservation Review Board (HPRB), it is expected that the design would be revised to address the HPRB's concerns about the visibility of the proposed 3rd floor. According to the applicant, revisions would not impact the proposed zoning relief, as the rear wall of the addition would not be pushed farther to the rear. Should future revisions increase the proposed lot occupancy or the depth of the addition, the applicant would need to return to the BZA to seek further relief.

II. LOCATION AND SITE DESCRIPTION

Applicant	Jefferson Parke and Arsiné Kailian, Owners
Address	1227 4 th Street, NW
Legal Description	Square 523, Lot 842
Zoning	RF-1 (Moderate density rowhouses and flats)
Ward and ANC	6, 6E
Historic District or Resource	Mount Vernon Square Historic District

Lot Characteristics and Existing Development	Nearly rectangular rowhouse lot with no alley access; Existing structure is a two-story rowhouse with a rear dogleg, generally matching in size and design its immediate neighbors.
Adjacent Properties and Neighborhood Character	Adjacent properties are two-story rowhouses, and immediately surrounding neighborhood is largely rowhouses. Church and church parking lot to the southeast.
Project Description	Construct addition approximately 18'5" beyond property to the north, and add a third story, recessed about 27'6" from the front façade.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant has requested special exception relief in order to allow an 18'5" addition beyond the neighbor to the north as well as a 70% lot occupancy.

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Area E § 201.1	1,800 sf	1,383.3 sf	No change	Existing Non-conforming
Lot Width E § 201.1	18'	15.23'	No change	Existing Non-conforming
Lot Depth	n/a	90.2' on north side 91.4' on south side	No change	Conforming
Height E § 303	35', 3 stories	21.9', 2 stories	32.1', 3 stories	Conforming
Lot Occupancy E § 304	60% MOR – 830 sf 70% SE – 968.4 sf	42.8% - 592.2 sf	70% - 968.4 sf	Requested
Rear Yard E § 306	20'	46.3'	27.8'	Conforming
Rear Yard / Depth of Rear Addition E § 205.4	> 10' beyond neighbor requires SE	Even with house to the north	~18'5" beyond house to the north	Requested

IV. ANALYSIS

Subtitle E, § 5201, permits special exception relief to lot occupancy. Subtitle E, § 205.5 permits a rear wall more than 10 feet beyond the neighboring house, also pursuant to provisions of § 5201. OP's analysis of that section is below.

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 seeks relief from lot occupancy and yard requirements.

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 proposal is for an addition to a 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;*

At Exhibit 38 the applicant has submitted a sun study, which shows that some additional shadow would result from the addition, but should not create an undue impact. At noon on the winter solstice some new shadow would be present in the rear yards of 1227 – 1233 4th Street. At 2:00 PM the shadow would not appear appreciably different behind 1229 and 1231 4th Street, but would be noticeably increased in the rear yards of 1233 and 1235. While the submitted study does not include analyses of the equinoxes or the summer solstice, impacts during those times of year would be less. OP therefore concludes that the total impact would not be undue.

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

The proposed design would not include windows on the side walls, and the window configuration on the rear wall would be possible in a matter of right scenario. Because the addition would extend back beyond the rear of adjacent properties, it could effectively increase the amount of privacy to the rear of those homes.

(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;

Because of the substantial setback from 4th Street, the addition would not have, for zoning purposes, a substantial visual impact upon the character of the street. The HPRB and Historic Preservation Office (HPO) continue their review of the project and have concluded that the visibility of the 3rd floor addition from Ridge Street must be reduced. OP supports any revisions made in response to HPRB comments, and understands from the applicant that any revisions would not result in extensions to the building footprint or expansions of the requested zoning relief, or the need for any additional forms of relief.

(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, photographs, elevations and a sun study.

(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 70%.

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 or conditions.

5201.5 This section may not be used to permit the introduction or expansion of a

nonconforming use as a special exception.

The applicant intends to use the property as a flat, a permitted use 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 height would be conforming.

V. HISTORIC PRESERVATION

As noted above, the HPRB and HPO continue their review of the project and have recommended design changes that should not result in additional or expanded zoning relief.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing the record contains no comments from other District agencies.

VII. COMMUNITY COMMENTS TO DATE

Exhibit 27 is an ANC letter in support of the application. The record also contains a letter from the neighbor immediately to the south, at 1225 4th Street, in support of the project, as well as a letter of support from the owner of 1231 4th Street, two doors to the north. The application states that the owner of 1229 4th Street, immediately to the north, has verbally supported the project.