



## MEMORANDUM

**TO:** District Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** January 18, 2011

**SUBJECT:** BZA Case No. 18158 - Request for a special exception under § 223 to construct a one-story rear addition at 428 4<sup>th</sup> Street N.E.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **recommends approval** of § 223 special exception relief to permit a one-story rear addition to an existing row dwelling at 428 4<sup>th</sup> Street N.E. that does not comply with:

- § 401, minimum lot area (deficient by 185 square feet, existing non-conformity)
- § 403, maximum lot occupancy (exceeds by ~143 square feet)
- § 406, minimum court width (deficient by ~5")
- § 2001.3, addition to an existing non-conforming structure

After the original submission, the Applicant amended the application to clarify, among other minor changes, that relief was needed from the court width requirement rather than the side yard requirement. The Applicant also shortened a rear eave from 3'10" to 2' in depth.

### **II. AREA AND SITE DESCRIPTION**

Address:	428 4 <sup>th</sup> Street N.E.
Legal Description:	Square 780, Lot 54 (the "Property")
Ward/ANC:	6/6C
Lot Characteristics:	The Property is rectangular in shape and measures 85' in length and 19' in width, for a total of 1,615 square feet in size. The Property fronts 4 <sup>th</sup> Street to the east and an improved alley and surface parking lot to the west. The rear of the lot is elevated approximately 4' above the alley grade.
Zoning:	CAP/R-4: Capitol Interest Overlay and row dwellings
Existing Development:	There is a pre-1958 two-story row dwelling. The site has no on-site parking.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	To the north and south are abutting two-story row dwellings. To the west is an improved alley network with dedicated parking spaces owned by The Heritage Foundation.
Surrounding Neighborhood Character:	The Square is composed of row dwellings. More broadly, the neighborhood is characterized by row dwellings and, along Massachusetts Avenue N.W., commercial uses. Union Station is approximately three blocks to the west.

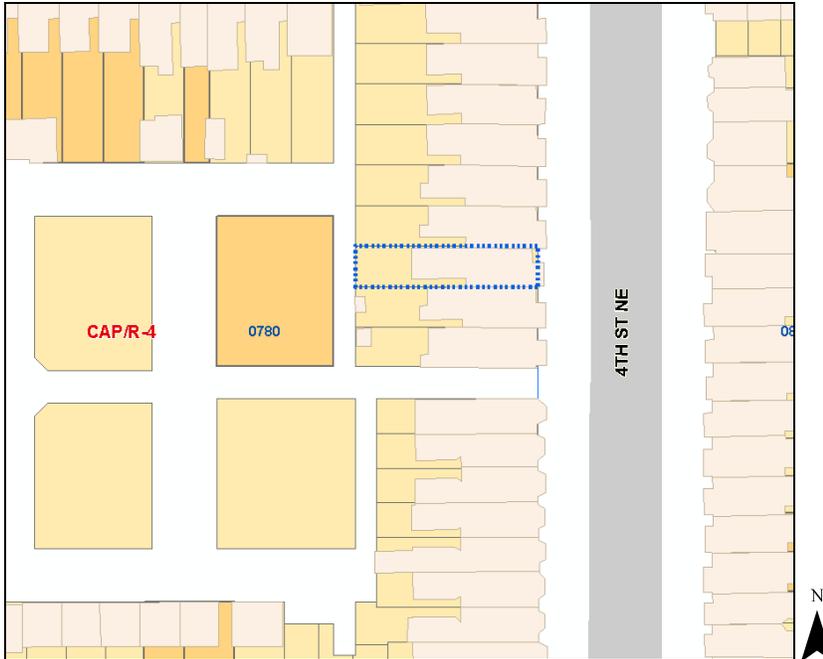
### **III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Anne Corbett
-----------	--------------

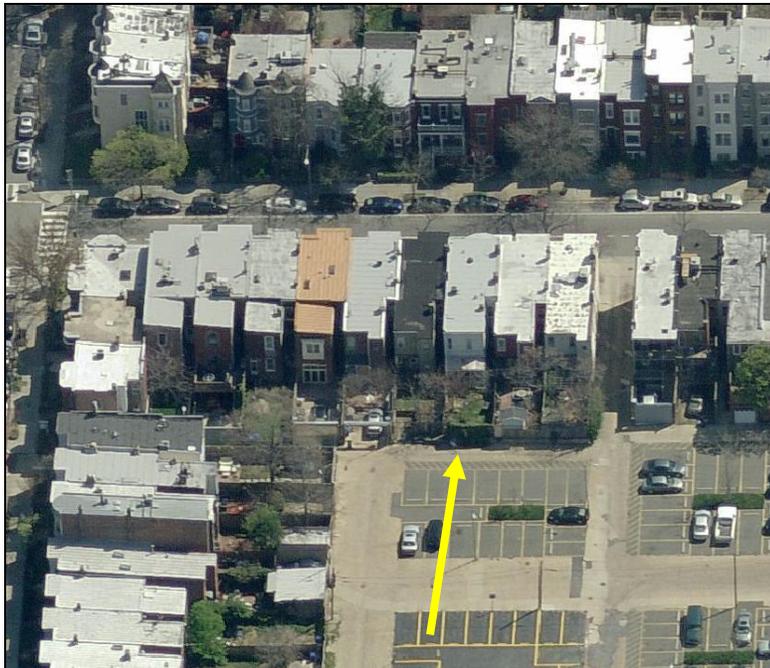


Proposal:	The Applicant is seeking zoning relief to accommodate a one-story rear addition that would largely replace an existing deck. The Property currently is non-conforming to lot area, lot occupancy, and court width standards. The addition would measure approximately 10' in depth and 13'4" in width and would slightly increase the non-conforming court width and lot occupancy.
Relief Sought:	§ 223 - addition to a single-family dwelling

**IV. IMAGES AND MAPS**



**Aerial view of the site (Property outlined in blue)**



**View looking east at the rear of the Property**



**Subject Property (front view)**

**V. ZONING REQUIREMENTS**

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

CAP/R-4 Zone	Regulation	Existing	Proposed	Relief
Lot width (ft.) § 401	18' min.	19'	19'	None required
Lot area (sq. ft.) § 401	1,800 sq. ft. min.	1,615 sq. ft.	1,615 sq. ft.	Existing non-conformity; no change proposed
Lot occupancy (building area/lot) § 403	60% max. 70% by special exception	66%	69%	Exceeds permitted lot occupancy by ~143 sq. ft.
Rear yard (ft.) § 404	20' min.	27'	23'6"	None required
Court, open (ft.) § 406	4" per foot of height, but not less than 6' in width	4'	5'7" (addition)	Relief needed: ~5" in width
Floor area ratio (building area/lot area) § 1203.3 (CAP requirement)	1.8 max.	1.16	1.19	None required

**VI. OFFICE OF PLANNING ANALYSIS**

Special Exception: § 223

*§ 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.*

The Applicant is requesting special exception relief under § 223 for a one-story rear addition to a one-family dwelling that does not comply with the requirements of lot area (§ 401), lot occupancy (§ 403), court width (§ 406), and expansion of a non-conforming structure (§ 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 light and air available to neighboring properties should not be unduly affected by the proposal. The subject addition would be restrained in size, rising only one-story and 14'4" in height. The addition would be separated from its neighboring dwelling to the north by an existing open court on the neighbor's property. Approximately 6' would separate the addition from the adjacent dwelling to the south.

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

The addition should not cause an undue impact to the privacy of use and enjoyment of neighboring properties. The addition would be moderate in height, rising only one-story, and have no windows on its north side. A fence ringing the rear yard would shield views of the addition.

*(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 not be visible from 4<sup>th</sup> Street, but would be visible from the rear alley. The addition should not substantially visually intrude upon the character, scale, and pattern of houses along the subject alley frontage.

*(d) In demonstrating compliance with (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 view from public ways.*

The Applicant has provided photos, elevation drawings, and a site plan showing the relationship of the addition to adjacent buildings and views from public ways.

#### **VII. COMMUNITY COMMENTS**

OP has not received comments from the ANC or the community. The Applicant has indicated to OP that the ANC and neighbors have been supportive of the proposal.

#### **VIII. AGENCY COMMENTS**

The Department of Housing and Community Development (DHCD) submitted a letter, dated December 27, 2010, in support of the relief request. The Applicant also has discussed the proposal with the Historic Preservation Office and received favorable feedback.

#### **IX. RECOMMENDATION**

The Office of Planning **recommends approval** of the special exception relief for a one-story rear addition.

JS/pg  
Paul Goldstein, case manager