

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 11, 2012

SUBJECT: BZA Case 18459 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 513 U Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Lot Occupancy (60 percent required, 70 percent proposed); and
- § 405, Side Yards (8 feet required, 2.5 feet proposed).

The Office of Planning (OP) **does not recommend approval** of the following:

- § 404, Rear Yards (20 feet required, 6.8 feet proposed);and
- § 400.1, Height of Buildings or Structures (40 feet maximum, 44.42 feet proposed).

II. LOCATION AND SITE DESCRIPTION:

Address:	513 U Street, N.W.
Legal Description:	Square 3079, Lot 0028
Ward:	1
Lot Characteristics:	The subject property is located on the north side of U Street N.W., between 5 th Street N.W. and 6 th Street N.W. The rectangular-shaped lot is 2,125 square feet in area and has a frontage of 21.25 feet along U Street. A public alley abuts the north property line.
Zoning:	R-4 – row dwellings
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	LeDroit Park Historical District
Adjacent Properties:	The surrounding properties include attached and semi-detached single family dwellings as well as multiple family buildings.
Surrounding Neighborhood Character:	The area around the site consists primarily of attached and semi-detached single family dwellings and low-rise apartment buildings.

III. PROJECT DESCRIPTION IN BRIEF



Applicant	Quiton Cooper
Proposal:	Addition to an existing two-story row dwelling to include a third and fourth story and rear addition.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats



Street View (West of Subject Property)



Street View (East of Subject Property)

V. ZONING REQUIREMENTS

+++ Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	26.5 ft.	44.42 ft.	Required
Lot Width (ft.) § 401	18 ft. min.	22.25 ft.	22.25 ft.	Existing non-conforming
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	2,125 sq.ft.	2,125 sq.ft.	None required
Floor Area Ratio § 401	None prescribed			None required
Lot Occupancy § 403	60% max.	40%	70%	Required
Rear Yard (ft.) § 404	20 ft. min.	43 ft.	6.8 ft.	Required
Side Yard (ft.) § 405	8 ft. min.	2.5 ft.	2.5 ft.	Required

VI. 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.*

Row dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of § 403, Lot Occupancy, § 404, Rear Yard and § 405, Side Yard. The applicant has also requested relief from § 406, Courts, however, this relief is not required. The area identified as “open court” on sheet A-2.1 does not meet the definition of “court,” which is “...bounded on two or more sides by the exterior walls of the

¹ Information provided by applicant.

building, or by two or more exterior walls, lot lines or yards.” Further, the window well enclosures would not be considered walls because they would be less than four feet in height.

The applicant has requested relief from § 400, Height, that would allow a third story and penthouse to be added to the row dwelling. However, this relief is not permitted through Section 223 or as a special exception, and must be requested separately as a variance. In addition, OP has reviewed the penthouse with the Zoning Administrator’s Office who have advised that the penthouse contains habitable space and is therefore considered a fourth floor, which would require an additional variance to the number of stories which are limited to three.

The subject property is located in the LeDroit Park Historical District and requires review by the Historical Preservation Review Board. The applicant has been notified of this requirement and has decided to proceed with the request for special exception prior to obtaining HPRB approval. The Office of Planning has advised the applicant that modifications by the HPRB may result in changes to the design that could impact the relief requested.

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 proposed rear addition would be oriented north-south and would not extend further than the apartment building located along its east property line. The existing 15 foot wide public alley located along the north property line would provide a buffer between the subject property and the property north of the alley, which is currently developed as Howard University Hospital.

The proposed addition would extend further into the rear yard than the row dwellings located west of the property and the height would be considerably higher than the two-story dwellings located east and west of the row dwelling. While the increased lot occupancy and decreased side yards may be compatible with the neighborhood, the proposed height and reduced rear yard could result in shadow to neighboring properties in the morning.

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

The proposed addition would continue the existing side yard along the west property line but would extend considerably into the rear yard, resulting in a rear yard of 6’-9”, which is significantly smaller than that of the rowhouses to the west but similar to the building located along the east property line.

The proposed addition of a third and fourth story to the row dwelling would be out of character with existing two story dwellings on the north side of U Street. The inclusion of a proposed roof deck and third story windows facing the rear and side yards would compromise privacy to neighboring residential properties.

- (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 applicant submitted drawings illustrating a proposed third and fourth story on an existing two story row dwelling. The proposed addition is out of character with the existing development located east and west of the subject property, as it would be considerably taller than the two story structures and extend further into the rear yard. The addition would be visible from the frontage on U Street, as well as from the

alley located along the north side of the property. Given the mass of the proposed addition, both horizontally and vertically, the structure would substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

- (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 has provided drawings, including site plan and elevations, which represent the relationship of the proposed addition to adjacent buildings and public ways.

- 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 proposed lot occupancy is 70 percent, which is the maximum lot occupancy permitted in the R-4 district with a special exception.

- 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.*

The Office of Planning has no recommendation for special treatments for this application; however, the Historic Preservation Review Board may offer recommendations for treatment and design.

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

The subject application would not result in the introduction of expansion of a nonconforming use.

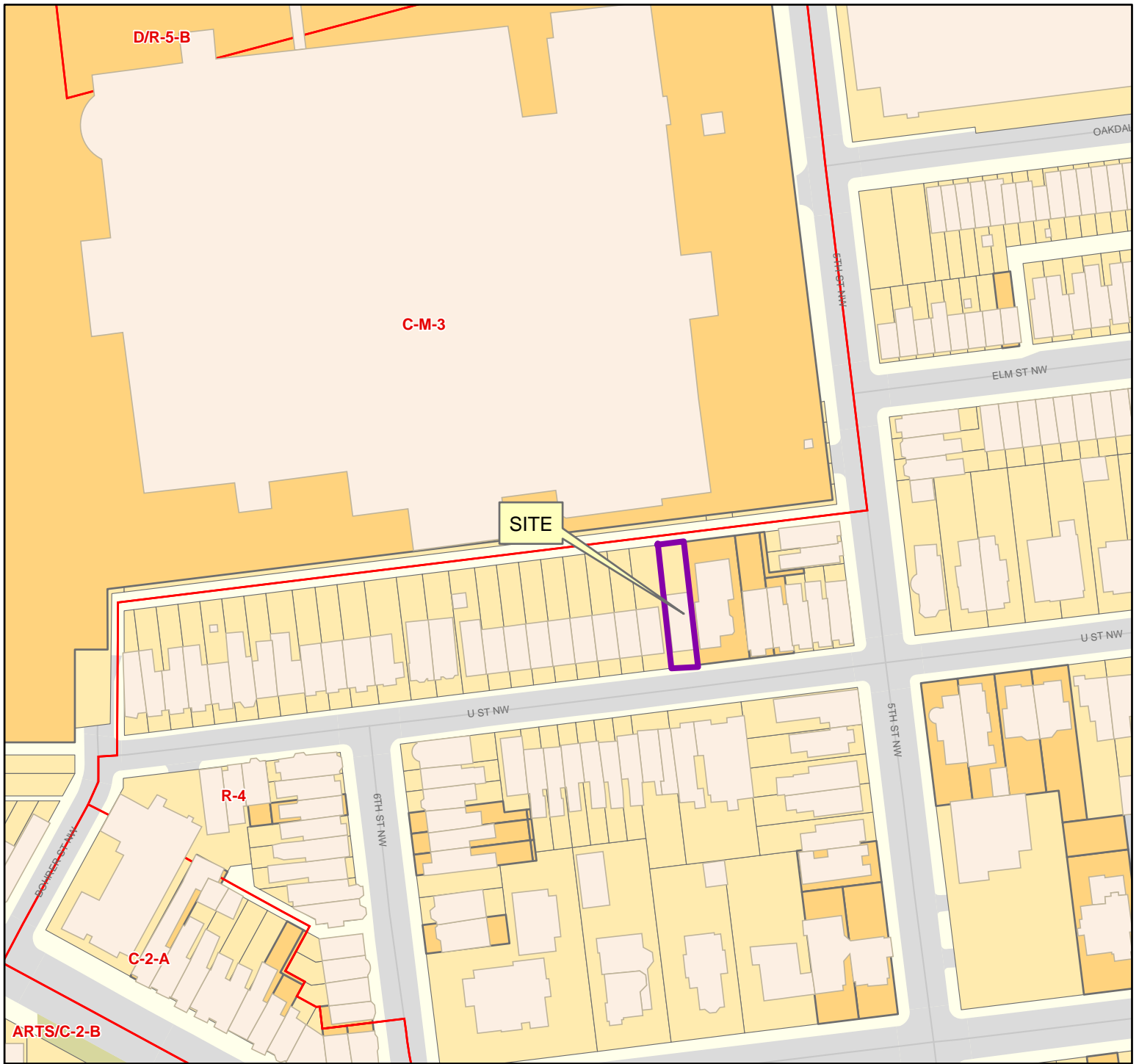
VII. AGENCY COMMENTS

The proposed addition has not been reviewed by the Historic Preservation Review Board, which is required. It is important to note that Historic Preservation staff noted that the Board regularly does not approve third and fourth floor additions on row dwellings of this size when the two story height is part of the defining historic character.

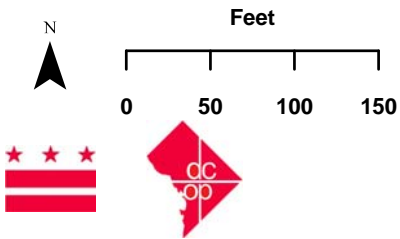
VIII. COMMUNITY COMMENTS

Comments have not been received from adjacent neighbors or the ANC concerning this request.

Attachment: Location Map





513 U Street, N.W. - BZA Case 18459



Government of the District of Columbia
Office of Planning ~ December 4, 2012

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

-  Buildings
-  Zoning Districts
-  Parks
-  Water
-  Roads
-  Street Centerlines
-  Development Review Sites



OPID0022732