

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 1, 2013

SUBJECT: BZA Case **18631** - Request pursuant to DCMR 11 § 3104 for special exception relief under § 223 to rebuild and expand a second story porch at the rear of the existing one-family row dwelling at 1731 Kilbourne Place, N.W..

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403.2 –Lot occupancy (60% required, 63.3% existing);
- § 406.1 – Court (15 feet required, 4 ft. 5 ins. existing); and
- § 2001.3 Addition to an existing nonconforming structure.

II. LOCATION AND SITE DESCRIPTION

Address	1731 Kilbourne Place, N.W.
Legal Description	Square 2602 , Lot 0098
Ward	1 : ANC 1D01
Lot Characteristics	Rectangular lot with rear access to a 20 foot-wide alley.
Zoning	<i>R-4</i> – Permits matter-of-right moderate development of residential uses, including single-family row dwellings, and flats
Existing Development	3-story brick row dwelling, with cellar permitted in this zone.
Adjacent Properties	The square is located between 17 th and 18 th Street NW and is predominantly developed with row dwellings and a few small apartment buildings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	David and Samantha Ross
Proposal	The applicant proposes to expand and screen an existing second story porch at the rear of the dwelling.
Relief Sought	§ 223 - Additions to a One-Family Dwellings or Flats



IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	35 ft.	35 ft.	None required
Lot Width (ft.) § 401	18 ft.	18.5 ft.	18.5 ft.	None required
Lot Area (sq.ft.)§ 401	1,800 sf.	1,943 sf.	1,943 sf.	None required
Lot Occupancy § 403	60 % max.	63.5 %.	65.2%	Relief required
Court § 406.1	10 ft. min.	4 ft. 5inches.	4 ft. 5 inches (no change)	Relief required
Enlargements or additions to nonconforming structures § 2001.3	a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and	63.5%	65.2%	Relief required
	b) The addition or enlargement itself shall: <ul style="list-style-type: none"> (1) Conform to use and structure requirements; and (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined. 	Residential	Residential	None required
		Lot occupancy (as above)	Lot occupancy (as above)	Required as above

V. 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, § 406 and from § 2001.3 because the structure does not currently conform to the court requirements and the maximum lot occupancy permitted as a matter-of-right.

¹ Information provided by applicant.

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.*

Neither the proposed minimal extension of 2.5 feet in the porch's length, nor its proposed screening would adversely impact the light and air to neighboring properties. The porch is separated from the residence to the west by an effective separation of approximately 9 feet. As such there are no at risk windows that would be affected. Similarly, no adverse impact is anticipated on the availability of light to the residence to the east (1729 Kilbourne Place), as the deck attached to that residence extends beyond the subject deck.

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

Privacy of the abutting neighbors would not be compromised since the proposed screening of the porch would reduce visibility to and from the neighbor's yards. The proposed screening which would face the residence at #1729 will have a solid wall to ensure privacy between residences.

The proposed screening with mahogany beadboard shown on the east elevation of the porch would prevent views to the neighbor's property (#1733) to the west. There would be negligible views into the rear yard of the abutting neighbor to the east due to the existing solid wall and fencing separating the residences.

The combined distance of the rear yard and the 20' foot wide alley would ensure that there would be no impact on privacy to residences across the alley to the north beyond which currently exists.

(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 proposed porch would be similar in size and style to existing enclosures and decks along the block as viewed from the rear.

(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 photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways. There is no public alley accessible from the rear of the property.

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 existing lot occupancy is 63.5 percent, which is less than the maximum of 70 percent 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.*

OP does not recommend any additional treatment.

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

The proposed addition would be in conformance with the prescribed use of a single-family home in this district.

VI. COMMUNITY COMMENTS

The applicant provided a signed letter of approval from the neighbor at #1733 to the record.

ANC 1D voted to recommend approval of the applicant's proposal at its meeting held on September 17, 2013. The ANC's report will be submitted to the Board under separate cover.



Zoning Map