

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** October 29, 2013

**SUBJECT:** BZA Case 18652 - request for special exception relief under § 223 to construct an addition to an existing non-conforming row dwelling at 2516 Mill Road NW.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 403.2 Lot Occupancy (70% existing, 60% required, 70% proposed);
- § 404.1 Rear Yard Setback (12.59 feet existing, 15 feet required, 12.59 feet proposed); and
- § 2001.3 Non-Conforming Structures

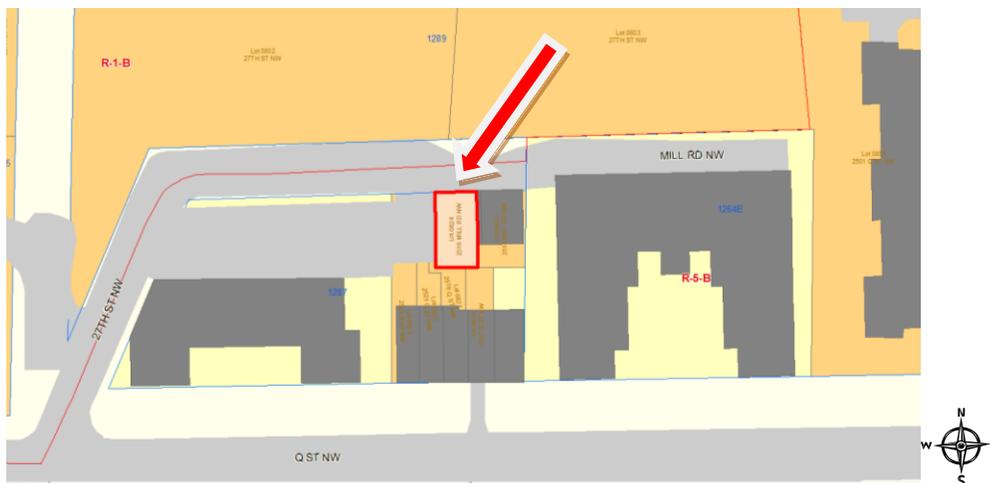
Although the application indicates that the Applicant is requesting variance relief, the Applicant states that variance relief is not required, and the proposal would conform to the 70% lot occupancy limit permitted by special exception. As the Applicant only requested special exception relief, OP analysis is for an addition not exceeding the 70% lot occupancy limit allowed under § 223.

**II. LOCATION AND SITE DESCRIPTION:**

Address:	2516 Mill Road NW
Legal Description:	Square 1287, Lot 824
Ward:	2
Lot Characteristics:	The subject 1,032 square-foot property fronts Mill Road NW. An alley is located to the west.
Zoning:	R-5-B: permits matter-of-right moderate development of general residential uses, including single-family dwellings, flats, and apartment buildings
Existing Development:	Rowhouse dwelling, permitted in this zone.
Historic District:	Georgetown Historic District
Adjacent Properties:	A rowhouse dwelling is located to the east; rowhouse dwellings are located to the rear of the property.
Surrounding Neighborhood Character:	The neighborhood includes semi-detached dwellings, rowhouses, and multi-family properties.

### III. PROJECT DESCRIPTION IN BRIEF

Applicant	Stephanie Funk
Proposal:	The Applicant proposes to replace an existing rear covered porch with a one-story addition and roof deck. The addition would not increase the extent of the lot occupancy or rear yard setback relief as required because the Applicant is preparing to build “up” and not “out”. The Historic Preservation Review Board (HPRB) approved the concept design for the proposed addition.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats



Subject Property

**V. ZONING REQUIREMENTS**

<b>R-5-B Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed <sup>1</sup></b>	<b>Relief:</b>
Lot Width (ft.) § 401	NA	23.84 ft.	23.84 ft.	None required
Lot Area (sq.ft.) § 401	NA	1,032 sf.	1,032 sf.	None required
Lot Occupancy § 403	60% max.	70%	70%	<b>Relief required</b>
Rear Yard (ft.) § 404	15 ft. min.	12.59 ft.	12.59 ft.	<b>Relief required</b>
Side Yard (ft.) § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required
Non-conforming Structures § 2001.3	NA	NA	NA	<b>Relief required</b>

**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.*

Rowhouses are a permitted form of development in this zone district. The application requests special exception relief under § 223 from § 403 because the proposed addition would continue to be nonconforming for lot occupancy, § 404 because the new addition would encroach into the required rear yard of 15 feet, and from § 2001.3 because the proposal would not conform to the maximum allowable lot occupancy and minimum required rear yard.

223.2 *The 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 proposed addition would not extend further than the existing rear structure. An alley is located to the north of the proposed addition and properties to the north would not be impacted. The addition would be to the north of the adjacent rowhouse to the south, and would not unduly impact that property’s light and air. The proposed structure would be separated from the rowhouses to the rear by the applicant’s rear yard and the rear yards of the neighboring properties. Therefore, it does not appear that the addition would unduly impact the air and light available to the neighbors.

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

Views from the proposed addition and deck toward the neighboring properties would not be substantially different from what currently exists. As a result, OP does

<sup>1</sup> Information provided by applicant.

not anticipate that the privacy of use and enjoyment of neighboring properties would be unduly compromised.

- (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 addition, as viewed from the street, would not visually intrude upon the character, scale, and pattern of houses along the 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.*

Submitted plans and photographs were sufficient.

- 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 lot occupancy of the existing and proposed structure would not exceed 70%.

- 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.*

No special treatment is recommended.

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

Granting this request would not introduce or expand a nonconforming use.

## VII. COMMUNITY COMMENTS

As of this writing, OP has not received comments from the ANC or the neighbors.