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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, Case Manager
Joel Lawson, Associate Director Development Review
DATE: October 31, 2012

SUBJECT: BZA Case 18398, request for special exception relief under § 223 to allow an addition to a single family row dwelling at 2130 Bancroft Place NW.

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, 62% existing, 70% proposed),
- § 404.1 Rear Yard (20 ft. required, 52.5 ft. existing, 0 ft. proposed); and
- § 2001.3 Nonconforming Structure

The applicant's original request included variance relief from lot occupancy, rear yard, and nonconforming structure requirements. The proposed addition was subsequently reduced in scale to qualify for Section 223 special exception relief.

II. LOCATION AND SITE DESCRIPTION

Address	2130 Bancroft Place NW
Legal Description	Square 2532 , Lot 802
Ward	2
Lot Characteristics	The rectangular lot has an area of 2,532 square feet. It is 25 feet wide along the Bancroft Place frontage and along the rear adjacent to the public alley. The lot is 95 feet deep. The property is bounded by three-story row dwellings to the east and west, by Bancroft Place to the north, and by a 15-foot wide public alley to the south.
Zoning	R-3 – detached and semi-detached single family dwellings.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18398

EXHIBIT NO. 47



Existing Development	Single family row dwelling, permitted in this zone. The Property is improved with a two-story single family row dwelling. The house was originally constructed as a one-story ballroom addition for the mansion immediately to the east (2128 Bancroft Place). The subject lot also includes a separate accessory garage at the rear with parking for two cars. The garage opens on to the rear alley and abuts the rear property line. The garage and house are separated by an open courtyard. The subject property is subject to a "Scenic, Open Space and Architectural Façade Easement" with the L'Enfant Trust. The easement covers all exterior aspects of the property, including the open space.
Historic District	Sheridan-Kalorama Historic District
Adjacent Properties	Single family row dwellings.
Surrounding Neighborhood Character	The neighborhood is predominantly single family row dwellings and multifamily apartment buildings constructed prior to 1950.

III. APPLICATION IN BRIEF

Applicant	Kenneth and Ellen Marks (Owner of Record)
Proposal:	The applicant proposes to construct an addition to a single family row dwelling. The existing structure was constructed in 1907 as a ballroom, prior to the current zoning regulations. According to the application, the addition and major interior renovation would add to and reconfigure the existing structures in order to improve the house's functionality. The addition would add a third floor to the existing house for use as an informal family room. The proposal would also add a second story to the existing garage structure which would include a master bedroom and a bathroom. The applicant also proposes a green roof over the master bedroom suite. The applicant's initial application proposed a glass enclosure over the entire rear yard. The revised application proposes that the additional bedroom atop the garage would be connected to the rest of the house by a covered 6 ft wide breezeway through the existing courtyard. This connection would result in a single structure for zoning purposes. The top of the breezeway would be an open pathway connecting the second story of the existing house to the green roof atop the master suite. The breezeway would be approximately 15.5 ft. in height as measured to the top of the railing. The revised proposal would be permitted through a special exception of the lot coverage and rear yard requirements.

Relief Sought:	The applicant seeks a special exception from lot occupancy and rear yard requirements. In addition, because the house is already nonconforming, special exception relief from 2001.3 is also requested.
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IV. ZONING REQUIREMENTS and REQUESTED RELIEF

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

R-3 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	26 ft.	34.5 ft.	None required
Lot Width § 401	20 ft. min.	25 ft.	25 ft.	None required
Lot Area § 401	2,000 sf. min.	2,532 sf.	2,532 sf.	None required
Lot Occupancy § 403	60% max.	62%	70%	Relief required
Rear Yard § 404	20 ft. min.	52.5 ft.	0 ft.	Relief required

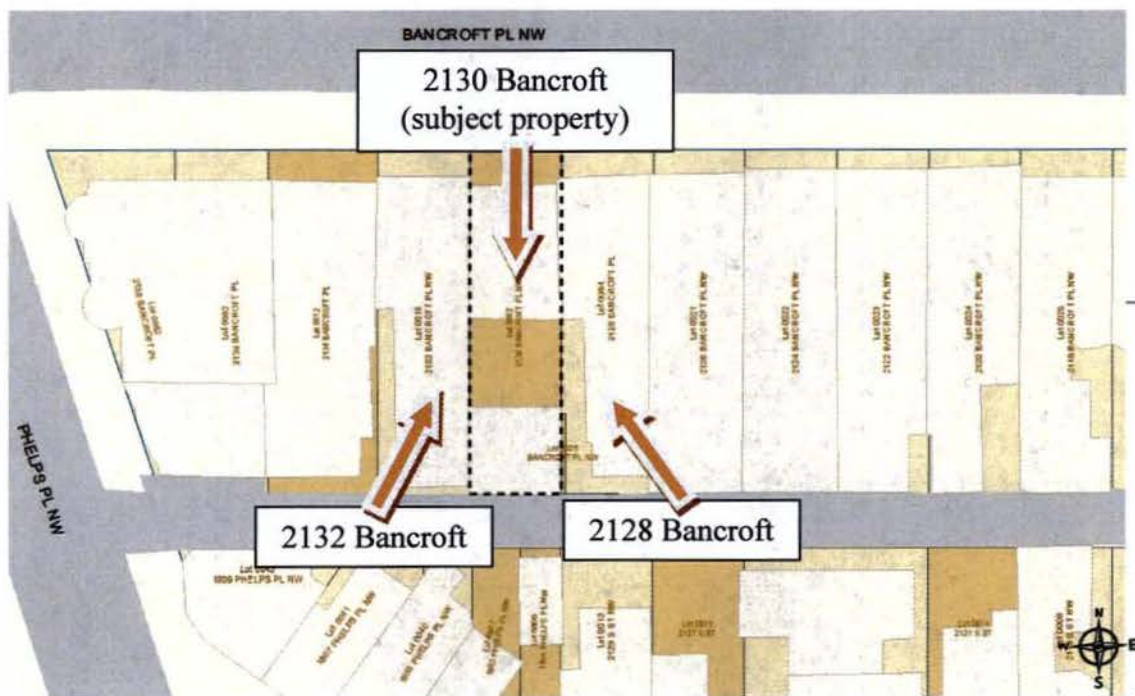


Figure 1: Subject Property



Figure 2: Front of Subject Property



Figure 3: Rear of Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief from § 403.2 Lot Occupancy and § 404.1 Rear Yard

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

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 third story addition is permitted under the zoning regulations and does not require zoning relief. The third story addition would be lower in height than the homes to the east (2128 Bancroft) and west (2132 Bancroft). The neighboring properties do not include third floor windows facing the subject property.

The proposed addition above the garage would be similar in height as the rear portions of the neighboring homes to the east and west; both of the neighboring properties include living space above the garages. Properties that do not include rear yard setbacks are a common condition in the neighborhood. A shadow study provided by the applicant indicates that the light and air of the neighboring properties should not be unduly affected by the proposed addition over the garage. The proposed addition would not significantly impact the light and air available to 2132 Bancroft. The subject property's existing privacy fence and vegetation above the garage cast a shadow on 2128 Bancroft during the afternoon hours; this shaded condition should not change significantly as a result of the addition over the garage.

The proposed breezeway would be located directly adjacent to the subject lot's eastern property line. The neighboring structure at 2128 Bancroft would be approximately 6 ft to the east (the approximate distance of 2128 Bancroft's open court). The breezeway would be situated in an area that is already cast in shadow for most of the day. According to a lighting simulation created by the applicant, the breezeway would impact the early afternoon light available to 2128 Bancroft's second floor windows and court. The breezeway should not impact 2128's light during the morning or late afternoon because that side of the neighbor's property is already in shade. The breezeway should not impact the light available to 2132 Bancroft because the breezeway would be located on the eastern side of the subject property. According to the applicant, the height of 2132 Bancroft impacts the afternoon light to both the subject property and 2128 Bancroft.

The light and air of the properties across Bancroft Place to the north and across the alley to the south are a sufficient distance as to not be affected by the proposed additions.

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

Neither the third story addition nor the addition above the garage would include sightlines to the neighboring properties to the east or west. However, the breezeway would be in close proximity to 2128 Bancroft. According to the applicant, the second level of the breezeway would only be used for maintenance of the green roof and would not be used as a gathering space.

The enjoyment of the neighboring properties should not be unduly compromised. The revised application preserves the majority of the green space in the applicant's rear yard, including the existing magnolia tree. The proposed addition above the garage includes a green roof, which would provide additional green space visible from neighboring properties. OP would support the placing of greenery along the eastern side of the breezeway in order to soften its appearance from 2128 Bancroft.

- (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 expanded structure would generally be compatible with the character, scale and pattern of neighboring houses. All of the neighboring houses in the immediate vicinity exceed the 60% lot occupancy permitted in the R-3 zone. The proposed lot occupancy of 70% for the subject property would not be out of character with the neighborhood. The addition over the garage would be visible from the rear alley, but would not substantially visually intrude on the character and scale of the neighborhood when viewed from the alley. Several of the neighboring homes extend to the rear lot line and include second floor living space above their garages.

As holders of the façade easement on the subject property, the L'Enfant Trust has the right to review modifications to the exterior aspects of the property, including the open space. A memorandum from the neighbors indicated that the Trust should consent to the proposed addition before the BZA and Historic Preservation Review Board (HPRB) make a determination in this case. While this might be prudent, the Office of the Attorney General (OAG) has advised OP that the historic easement is an "encumbrance" similar in nature to a shared driveway or a building restriction line; i.e. the easement does not convey "ownership" and should not necessarily preclude an owner from filing an application for zoning relief with the BZA prior to obtaining permission for a property modification from the Trust.

- (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*

Sufficient graphical information was provided by the applicant for this case.

- 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 applicant's revised application proposes a lot occupancy of 70%, which is permitted by special exception in the R-3 zone

- 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 has indicated to the applicant that the breezeway wall and railing could be modified to improve its appearance as seen from 1228 Bancroft. Although the proposed railing treatment is consistent with the character of the architecture in the neighborhood, the railing could be designed to be less obtrusive. OP would support the applicant working with the neighbor residing at 1228 Bancroft to arrive at a mutually agreed upon solution.

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

No nonconforming use would be established under this proposal.

VI. COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 2D did not take a position on the proposal at its regularly scheduled meeting on October 22, 2012

A memorandum from multiple neighbors in opposition to the applicant's proposal was provided to the Board.