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**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** April 23, 2013  
**SUBJECT:** BZA Case 18542 - Request pursuant to DCMR 11 § 3104 for special exception relief under § 223 to construct an addition to an existing row dwelling at 452 New Jersey Avenue, S.E.

**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% maximum, 69.8% proposed);
- § 404, Rear Yard (20 feet minimum, 14 feet proposed); and
- § 2001.3, Enlargement of an Existing Non-Conforming Structure.

**II. LOCATION AND SITE DESCRIPTION**

|                      |                                                                                                                                                                       |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address              | 452 New Jersey Ave SE                                                                                                                                                 |
| Legal Description    | Square 694, Lot 803                                                                                                                                                   |
| Ward                 | 6, 6B                                                                                                                                                                 |
| Lot Characteristics  | The rectangular lot is 908 square feet in area with 17 feet of frontage along New Jersey Avenue. The east property line abuts a 3-foot wide public alley or easement. |
| Zoning               | CAP/R-4 – row dwellings.                                                                                                                                              |
| Existing Development | Row dwelling, permitted in this zone.                                                                                                                                 |
| Historic District    | Capitol Hill Historic District.                                                                                                                                       |
| Adjacent Properties  | Predominantly row dwellings.                                                                                                                                          |

**III. PROJECT DESCRIPTION IN BRIEF**

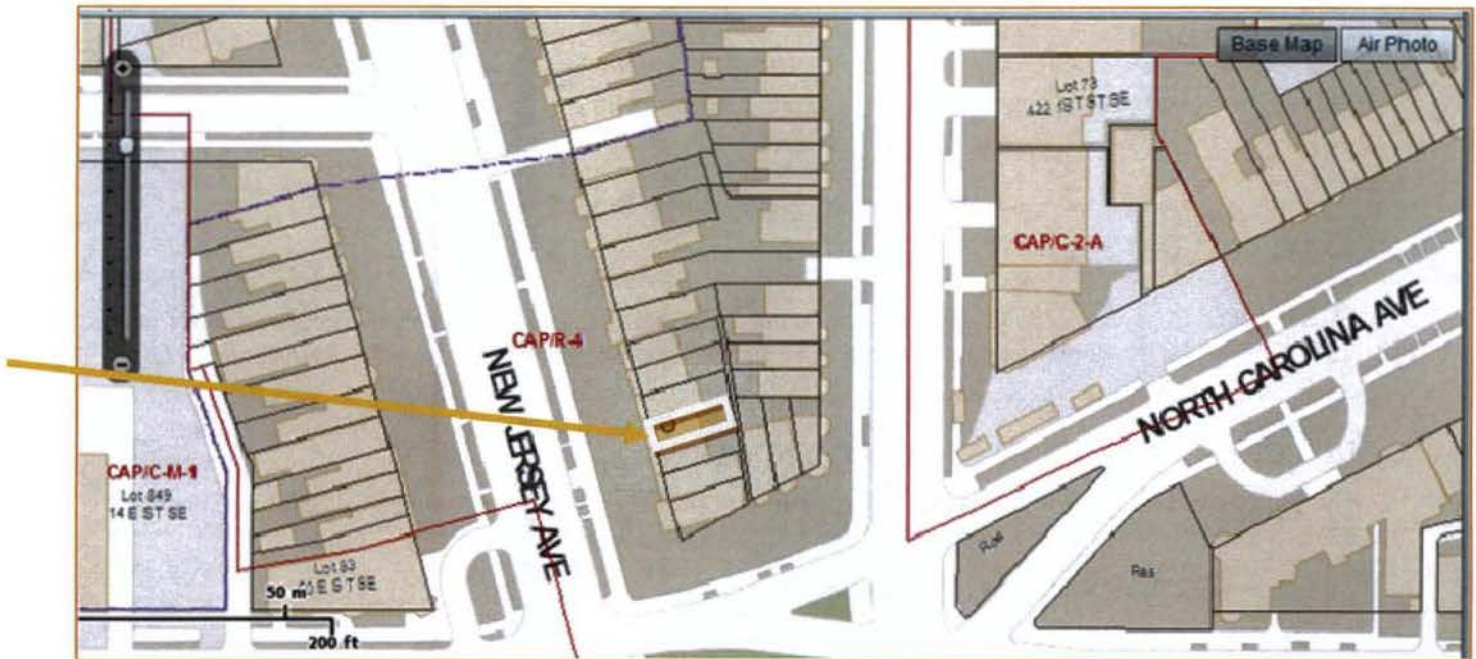
|                                                                     |                                                                                                                                                                                                                         |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant                                                           | John Crain                                                                                                                                                                                                              |
| Proposal                                                            | The proposal involves the reconstruction of the house's front façade, a two-story rear addition, demolition and construction of interior walls on all three floors, and the replacement of the front elevation windows. |
| Relief Sought<br>BOARD OF ZONING ADJUSTMENT<br>District of Columbia | § 223 - Additions to a One-Family Dwellings or Flats                                                                                                                                                                    |

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#### IV. ZONING REQUIREMENTS

| R-4 Zone                              | Regulation                                                                                                                                                                                                                                                   | Existing                                                      | Proposed <sup>1</sup>                                            | Relief                                        |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------|
| Height (ft.) § 400                    | 40 ft. max.                                                                                                                                                                                                                                                  | 22 ft.                                                        | 22 ft.                                                           | None required                                 |
| Lot Width (ft.) § 401                 | 18 ft. min.                                                                                                                                                                                                                                                  | 17 ft.                                                        | 17 ft.                                                           | Existing nonconforming                        |
| Lot Area (sq.ft.) § 401               | 1800 sq.ft. min.                                                                                                                                                                                                                                             | 908 sq.ft.                                                    | 908 sq.ft.                                                       | Existing nonconforming                        |
| Floor Area Ratio § 401                | None prescribed                                                                                                                                                                                                                                              | --                                                            | --                                                               | None required                                 |
| Lot Occupancy § 403                   | 60% max.                                                                                                                                                                                                                                                     | 61.6%                                                         | 69.8%                                                            | <b>Relief required</b>                        |
| Rear Yard (ft.) § 404                 | 20 ft. min.                                                                                                                                                                                                                                                  | 18.5 ft.                                                      | 14 ft.                                                           | <b>Relief required</b>                        |
| Side Yard (ft.) § 405                 | 0 ft. min.                                                                                                                                                                                                                                                   | 0 ft.                                                         | 0 ft.                                                            | None required                                 |
| Court § 406                           | 6 ft. min. (if provided)                                                                                                                                                                                                                                     | none                                                          | none                                                             | None required                                 |
| Non-conforming structure § 2001.3 (b) | (b)The addition or enlargement itself shall:<br>(1)Conform to use and structure requirements; and<br>(2)Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined. | SF Home<br><br>Lot occ. and rear yard existing non-conforming | SF Home<br><br>Expansion of lot occup. and decrease in rear yard | <b>Conforms</b><br><br><b>Relief Required</b> |

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

## 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 requires special exception relief under § 223, § 403, Lot Occupancy, § 404 Rear Yard and § 2001.3, addition to a nonconforming structure.

*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 addition would align with the row dwelling located north of the subject dwelling, but extend four-and-a-half feet beyond the residence to the south, and would not include any fenestrations. Given that the massing and height of the addition would be consistent with that of existing adjacent dwellings, it is not expected to have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

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

The proposed addition would be in scale with that of adjacent dwellings and would maintain its current height, where three stories would be permitted. Further, while the proposed addition would minimally encroach further into the rear yard, it would have a setback similar to neighboring properties. As a result, the privacy of use and enjoyment of neighboring properties should not 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 applicant submitted drawings illustrating the proposed addition would be consistent with the design of the dwelling and an improvement upon the existing rear yard. The proposed addition would not be visible from New Jersey Avenue, as it would be the same height as the existing and neighboring dwellings. The structure would be mostly screened from view from the 3-foot wide alley/easement due to its rear setback and adequate fencing. As a result, the proposed addition would not substantially visually intrude upon the character, scale and pattern of dwellings along the subject street frontage. The building elevations were reviewed by the Historic Preservation Office for consistency within the Capitol Hill Historic District (HPO report attached).

- (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, and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from 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 69.8 percent, which is less than the maximum of 70 percent permitted within 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 recommendations for special treatments for this application. Historic Preservation staff noted in the attached staff report that...“the rear addition is modest in size and compatible in materials and fenestration with the house and the historic district.”

- 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 or expansion of a nonconforming use.

#### **Historic Preservation Review Board (HPRB)**

The Historic Preservation Review Staff report of March 28 – April 4 Board Hearing concluded that “*the proposal was compatible with the historic district and consistent with the purposes of the Preservation Act.*” (Attached)

#### **VI. AGENCY COMMENTS**

The District Department of Transportation (DDOT) stated no objection to the proposal.

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

Advisory Neighborhood Commission 6B voted to recommend approval of the proposed addition at its regularly held meeting on March 12, 2013. Letters of support have also been provided from neighbors except from the owner of the residence to the south who resides out of state.

#### **Attachment:**

Historic Preservation Review Staff Report – March 28 – April 4, 2013.

ATTACHMENT

**HISTORIC PRESERVATION REVIEW BOARD  
STAFF REPORT AND RECOMMENDATION**

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|                    |                                       |                                                |
|--------------------|---------------------------------------|------------------------------------------------|
| Landmark/District: | <b>Capitol Hill Historic District</b> | <input checked="" type="checkbox"/> Agenda     |
| Address:           | <b>452 New Jersey Avenue, SE</b>      | <input type="checkbox"/> Consent               |
|                    |                                       | <input checked="" type="checkbox"/> Concept    |
| Meeting Date:      | <b>March 28, 2013</b>                 | <input checked="" type="checkbox"/> Alteration |
| Case Number:       | <b>13-145</b>                         | <input type="checkbox"/> New Construction      |
| Staff Reviewer:    | <b>Frances McMillen</b>               | <input type="checkbox"/> Demolition            |
|                    |                                       | <input type="checkbox"/> Subdivision           |

Applicants John Crain and Sharon Ryan, with drawings prepared by architect Jeff Hains, seek concept review for the reconstruction of the front façade, construction of a rear addition, repair of brick retaining walls, and alterations to the interior of 452 New Jersey, SE in the Capitol Hill Historic District.

**Property Description**

Constructed in the mid-19th century, 452 New Jersey, SE is one of a coordinated row of two-story, flat-front Italianate rowhouses. Common features include matching fenestration, wood cornices and brackets, and front entrances accessed by stone or iron stairs. The subject property's first floor entrance and transom were altered at an unknown date and replaced by a six-over-six window; the house is currently accessed at the cellar level. Also at an unknown date, the first floor interior walls were removed and the space converted to an open floor plan. The rear of the house includes a center doorway on the first floor accessed by a short flight of brick stairs and an entrance at the cellar level.

**Proposal**

The proposal calls for the reconstruction of the house's front façade, a two-story rear addition, demolition and construction of interior walls on all three of the house's floors, and the replacement of the front elevation windows.

A structural engineer's report and photographs included with the application documents that the front façade is vertically bowed from the foundation and roof and that the outer wythe of brick has separated from the wall. Retaining walls at the front and rear of the property are also damaged and in need of repair. The plans call for reconstructing the front façade using the original salvaged brick, window sills, lintels, and cornice. The current six-over-six windows will be replaced by two-over-twos and the front entrance will be enlarged from 28" to 36" to comply with building codes.

The proposed addition extends the rear wall approximately 5 feet and includes a slightly projecting bay on the third floor. As with the front elevation, the rear wall of the addition will incorporate

salvaged brick from the existing rear wall. The new rear elevation will have a slightly different fenestration and door pattern.

Interior work includes the removal of non-load bearing walls on each floor, widening of staircases to meet code, and the extension of the cellar beneath the rear patio. The first floor will retain its current open plan. The floor plans of the cellar and third story will be reconfigured and existing walls removed. The house's roof and the floor assemblies will be retained.

### **Evaluation**

While the historic preservation regulations define removal of a façade as constituting demolition that is inconsistent with the purposes of the preservation act (DCMR 10A 305.1 (a) "the removal or destruction of any façade"), the engineer's report and accompanying photographs, confirmed by a site visit by the HPO, make clear that the pronounced bowing of the façade will require reconstruction in order to ultimately preserve the building. Such separation of the outer wythe of brick is not uncommon on buildings from the mid to late 19th century. While the use of tie-rods can often provide a solution to minor deflection of an exterior wall, the extent of bowing in this instance is too great for that option. The use of salvaged brick and the return of the cornice, sills, lintels and other character defining features will preserve the physical fabric and historic appearance of the building.

The rear addition is modest in size and compatible in materials and fenestration with the house and the historic district. The reconstruction of retaining walls and rear basement stairs will not affect significant character-defining features and are also compatible in size and material. As the interior alterations will not result in the removal of the floor or roof assemblies, the scope of work does not constitute demolition under the preservation regulations.<sup>1</sup>

**Recommendation** *The HPO recommends that the Review Board find the proposed reconstruction of the front façade, rear addition, and alterations to be compatible with the character of the historic district and consistent with the purposes of the preservation act, and that final approval be delegated to the staff.*

<sup>1</sup> 305.1 Work considered demolition under the Act shall include, but is not limited to, any of the following, as determined by the Mayor's Agent

- (a) The removal or destruction of any façade,
- (b) The removal or destruction of all or a substantial portion of the structural components of the building, such as structural walls, floor assemblies, and roofs,
- (c) The removal or destruction of all or a substantial portion of the roof along with all or substantially all of one or more exterior walls,
- (d) The removal or destruction of all or substantially all of an entire wing or appendage of the building, such as a rear ell, unless the wing lacks physical or historic integrity, or is not a character-defining feature,
- (e) The removal or destruction of a substantial portion that includes character-defining features of the building or structure,
- (f) The removal or destruction of all or a substantial portion of a designated interior landmark, unless the elements to be removed lack physical or historic integrity, or are not character-defining features, or
- (g) Any removal or destruction requiring a partial demolition or raze permit under the D C Construction Code, including any demolition of non-bearing walls, interior finishes, or other interior non-bearing elements within a building where an interior space has been designated as a historic landmark