

Owner/Applicant

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Supplemental Information

Since the original application was submitted on 23 July 2013, a number of additional points and clarifications have been made:

- Additional letters of support from the adjacent neighbor to the east (Cynthia Tweedie / 1313 T St NW) were obtained. Repeated attempts to obtain a letter of support from the western neighbor at 1317 T Street NW have been unsuccessful.
- As per discussion with the Office of Planning and the Zoning Administrator, relief from the roof setback (Section 400.7) is no longer required and has been removed from the application.
- As per discussion with the Office of Planning, additional relief from section 2001.3 is required.
- Additional letters of support from members of the Wallach Place Neighborhood Association
 - 1314 Wallach (Siddall)
 - 1315 Wallach (Johnson / Brownstein)
 - 1318 Wallach (Shin / Bub)
 - 1323 Wallach (Podgornik)
 - 1324 Wallach (Inskeep)
 - 1325 Wallach (Wittels)
 - 1326 Wallach (Klein)
- Historic Preservation Review Board placed the project on the consent calendar for the 26 September meeting with the caveat that the roof structure be redesigned to not be visible from the street.
- Revised drawings (dated 4 October) indicate the revised massing of the roof stair structure to respond to HPRB / HP staff concerns.
- Advisory Neighborhood Commission 1B unanimously approved the project at the 3 October meeting.

Statement of Existing / Intended Use

The property located at 1315 T St NW is currently owned by Daniel McKay & Caroline Rozeira de Mariz and is used as an owner-occupied two-family flat row house residence. The property appears to lack a certificate of occupancy for a two-family flat, and the Owner is filing a building permit application with DCRA for a two-family flat conversion concurrent with this application. Two-family flats are permitted as a matter of right in the R-4 zone.

The intended use shall remain as a two-family flat row house. The owner is seeking zoning relief to construct a partial third floor addition, located at the rear (north property line) of

the site and abutting a public alley, and a roof deck over a portion of the new third floor addition.

Summary of Variances

In order to accommodate a third floor addition, the Owner / Applicant seeks a special exception as set forth in Section 223 (Zoning Relief for Additions to One-Family Dwellings or Flats (R-1) and for New or Enlarged Accessory Structures. As per Section 223, the Board of Zoning Adjustment is authorized to grant a special exception from Section 2001.3 related to the issue of maximum lot occupancy. In addition, the Owner / Applicant seeks a variance from the open court width as set forth in Section 406, and a special exception from the Roof Deck setback 411.11 / 400.7.

- Proposed lot occupancy of 70%. The maximum lot coverage, as set forth in Section 403, for a row house in an R-4 district is 60%. The proposed lot occupancy, including the existing structure, non-complying courts, third floor addition and reconfigured deck is 70%. A special exception of 10% is required.
- Proposed non-complying open court. The minimum open court dimension, as set forth in Section 406, for a two-family flat is 10'. The existing structure forms a non-complying court that measures between 3.7' at its narrowest point. The third floor addition and roof deck design aligns the east wall of the proposed addition with the structure below and extends the non-conforming open court. A variance of 6.3' is required.
- Nonconforming structure. Additions and enlargements are permitted so long as they do not extend any existing non-conforming aspect, as well as introduce any new non-conforming aspects as per Section 2001.3. The proposed addition will not conform to the lot occupancy and open court dimensions, therefore a variance is required.

Background

The property is located at 1351 T St NW, Lot 8 of Square 137. It is currently zoned R-4, and is within ANC 1B. It is located in the Greater U Street Historic District. The lot measures 18.0' wide by 100' deep, and is 1,800 square feet. A 10' public alley borders the north edge of the property and T Street NW, a 90' public right of way borders the south edge. The east lot line borders Lot 7 (1313 T Street NW). The adjacent property has been improved with a single-family row house, and the rear portion of the lot is used for parking. The west lot line borders Lot 9 (1317 T Street NW). The adjacent property has been improved with a single-family row house, and the rear portion of the lot is used for parking.

The Applicant seeks to remove an existing third floor addition and construct a third floor addition over the existing two-story portion. The dimensions of the proposed addition are 13.6' wide x 32.1' deep, for a total lot area of 437 sf / 21%. The height of the proposed addition is approximately 13.0'. The dimensions of the roof deck are 19.2' x 13.4'. The area of the roof deck and associated stair structure is 330 sf, approximately 31% of the total roof area.

Historically, the property has been used as a two-family flat. The Owner purchased the property in September 2011 with the ground floor in use as a separate rental unit. The

Owner is taking the necessary steps to bring the current use into conformance with the zoning code, and has filed a building permit application with DCRA. The applicant also proposes to enlarge the existing cellar and create new window well openings. The new openings have been designed in consultation with the Historic Preservation office.

Lot Occupancy

The existing structure, including deck and stairs, as well as the non-complying open court, has a lot occupancy of 76%. The applicant proposes to remove the existing non-conforming deck and replace with a new spiral stair that leads from the ground to the new roof deck located over the proposed addition. The Applicant is requesting a special exception to increase the lot occupancy by 10%, to a total lot occupancy of 70%.

Open Court

The existing open court is 3.7' at its narrowest point. The zoning required minimum for an open court is 10' (for a two-family flat) as per Section 406. The proposed third floor addition will align with the edge of the building below. It is not technically feasible to enlarge the existing court. Also, the third floor addition could only be 8' wide if the open court standard were applied, which is not practical width. Therefore, the Applicant is requesting a variance of 6.3'

Nonconforming Structure

As stated above, the existing structure does not conform to the lot occupancy and open court requirements. Section 2001.3 stipulates that enlargements or additions are permitted so long as they do not extend any existing non-conforming aspect, as well as introduce any new non-conforming aspects. It is not technically feasible to meet this requirement given the existing conditions of the structure. Therefore, the Applicant is requesting a variance.

Conclusion

The burden of proof for special exception is two-fold, and the Applicant must demonstrate the following:

1. How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map
2. How allowing the use will not adversely affect the use of the neighboring property – ie. traffic, noise, lighting, etc.

The R-4 zone permits two-family flat development; therefore the Applicant's request is consistent with Zoning Regulations and surrounding properties.

The existing use of property as a two family row house with one parking space will remain unchanged. No additional traffic or noise will be generated as a result of granting this special exception. The design and massing of the addition has been carefully considered to minimize the impact of natural light onto the adjacent properties.

Additionally, special exceptions granted under section 223 are required to meet the following criteria:

1. Not unduly affect light and air available to neighboring properties

As our shadow studies show, the addition on the Applicant's property will have minimal impact on light and air for the adjacent properties. The property across the alley will not be affected.

2. Not compromise the privacy of use and enjoyment of neighboring properties

Adjacent properties will enjoy the same degree of use and privacy as they currently have now. The Applicant has made a good faith effort to contact adjacent property owners and review the specifics of the project. The property to west (1317 T Street NW) is a rental apartment house and the Owner does not live in the area. The property to the east (1313 T Street NW) is a single-family residence, and the Owner has reviewed the application with them in person. In addition, the Applicant has contacted the neighbors across the alley (1314 Wallach St NW / 1316 Wallach St NW), who are most directly affected by the addition, and has obtained letters of support which are included in the application.

3. Not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage

The proposed addition is located on a public alley; therefore there will be no impact on the subject street frontage. The neighbor to the west has a similarly scaled building mass to the proposed design.