GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: February 14, 2001

SUBJECT: Waiver of Rules for Late Submittal of a Report concerning BZA Application 16670 requesting a Special Exception for an addition to a flat located at 910 East Capitol Street, N.E.

The attached report, concerning an application from Michael Barrette requesting a Special Exception under Section 223 pursuant to Section 3104 of Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning, in order to construct an addition to a flat, is submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16670
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16670
EXHIBIT NO.25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew A. Altman
Director

DATE: February 13, 2001

SUBJECT: BZA Application 16670

APPLICATION
In this application, Michael Barrette requests a Special Exception for an addition to a flat pursuant to Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval.

SITE AND AREA DESCRIPTION
The subject property is located at 910 East Capitol Street, N.E., on the north side of East Capitol Street. N.E., between 9th Street, N.E., and 10th Street, N.E. It is developed with a two-story semi-detached masonry Victorian building with a walk-in apartment on the basement level. Behind the property is an alley five feet wide. The property is zoned R-4 and located in the Capitol Hill Historic District.

The semi-detached building was constructed in the early 1900's. It shares a common wall with the adjacent property to the east at 912 East Capitol Street, N.E., but is set back from the western property line approximately three feet. The applicant proposes to construct a three-story addition in the rear (toward the alley). All but one of the adjacent properties to the east and further west are developed with three-story rowhouses of a similar design.

APPLICANT'S PROPOSAL
Mr. Barrette would like to construct the addition to provide additional living space in the dwelling. As noted in the undated summary of issues, "Although the facade of the existing housing is imposing and goes well with the scale of many of its East Capitol Street neighbors,

the house is currently quite small." The summary noted that the existing footprint is 20' x 24' while most of the houses along the block are sixty feet long.

The proposed addition would extend the flat approximately fourteen feet further north. The adjacent residences to the east and west are constructed to the shared property lines. There are no windows along the building walls on the shared property lines. The rear corners of the proposed addition corners would not extend as far as, and roughly align with, the neighboring dwellings to the east and west, respectively.

It should be noted that architectural plans of the existing and proposed construction submitted with this application indicate a 20' x 34' residence and an addition approximately 19' x 24'. Since the dimensions on the submitted property plat appear not to have been provided by the District Surveyor (refer to Exhibit 1), the balance of this report will be based largely on the architectural plans and a site visit.

In concluding his summary statement, the applicant indicated that the requested relief is "justifiable and in keeping with the spirit of the code and the character of the Capitol Hill neighborhood."

EXISTING ZONING AND RELIEF REQUESTED

A dwelling used as a residence for two families is defined as a two-family dwelling or flat (refer to the Certificate of Occupancy in Exhibit 2). The property is zoned R-4 and Section 330.5 lists a "flat" as a use permitted by right in this zoning district. Therefore, the proposed use is a conforming use.

The property and development are also subject to the following requirements:

Standard	R-4 Requirement	Existing Building	Addition	Required Relief
Lot Area	1,800 s.f.	1,840 s.f.	Same	N/A
Lot Width	18 feet	23 feet	Same	N/A
Floor Area	---	2,040 (680) s.f.	1,095 (365) s.f.	N/A
Floor Area Ratio	N/A	N/A	N/A	
Lot Occupancy (max.)	60%	47%	66%	Variance
Loading Berths	N/A	N/A	N/A	
Front Yard	0 feet	0 feet	Same	N/A
Rear Yard	20 feet	37 feet	21 feet	N/A
Side Yard	8 feet	2 feet 11 inches	3 feet 1 inch	Variance
Court, Open	N/A	N/A	N/A	
Height	40 feet/3 stories (max.)	32 feet6 inches/ 3 stories	27 feet 6 inches/ 3 stories	N/A

The existing residence does not conform to the current Zoning Code with regard to the required side yard. The proposed addition would not meet the required side yard and would exceed the maximum allowable floor area ratio in R-4. Based on this information, it was determined that:

- The existing flat does not meet the required side yard for the R-4 District
- The proposed addition would not meet the side yard requirement and the combined structure will exceed the maximum allowable lot occupancy.

The existing residential building was established before 1958 and before the adoption of Title 11 in 1995. Therefore it predates the current Zoning Regulation and is legally nonconforming. However, any additions to the building must meet the current regulations. To address the nonconformities of the proposed addition, the applicant requested a special exception.

There is also no existing on-site parking. The current parking requirement for a flat is one space per two dwellings. Section 2100.7 states that "When the intensity of use of a building or structure existing before May 12, 1958, is increased by ... dwelling units ... parking spaces shall be provided for the addition or additions, subject to §§21007 through 21009." This proposal does not increase the number of dwelling units and does not trigger a parking requirement.

The applicant also requested relief for Section 1203.3 that limits the maximum FAR in the Capitol Interest District (CAP) to 1.8. However, the subject property does not appear to fall within this overlay district, so this requirement does not apply.

ANALYSIS
The applicant's proposal is subject to the following provisions of the Zoning Regulations:

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

The requested special exception is also subject to the following requirements under Section 223:

"223.1 An addition to a . . . flat, in those districts where a plat is permitted, that does not comply with all the requirements of §§401, 403, 404, 405 or 406 of this title shall be permitted if allowed by the Board of Zoning Adjustment in accordance with the conditions specified in § [3104] of Chapter 31 of this title, subject to the provisions of this section.

223.2 The addition shall not have a substantially adverse affect on the use or employment of any abutting or adjacent dwelling or property; in particular;

(a) The light and air available to neighboring properties shall not be unduly affected;

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

(c) The addition, 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 street frontage; and

(d) In demonstrating compliance with (a), (b), and (c) of this section, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings aufficient to represent the relationship of the proposed edition to adjacent buildings and view from public ways.

223.3 The lot occupancy of the . . . flat, together with the addition, shall not exceed seventy percent (70%) in the R-3, R-4 and R-5 Districts."

Compliance with Section 223:
With referenced to the listed standards, it appears that the proposed addition:

- Would not unduly affect the light and air available to neighboring properties;
- Would not unduly compromise the privacy of use and enjoyment of neighbors; and
- Together with the original building, would not substantially visually intrude upon the streetscape (refer to the Historic Preservation Review Board action under Agency Comments below).

The resulting lot occupancy would also not exceed 70%.

Compliance with Section 3104.1:
Based on review results under Section 223, it appears that this proposal will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates the general surrounding area for medium density residential uses, with single-family detached and semi-detached as the predominant uses. The Comprehensive Plan, which is the legal basis for zoning in the District enunciates, as its first principle, the importance of stability for residential neighborhoods. Under Section 101, Major Themes, the plan states:

> "The successful and creative functioning of neighborhoods is a fundamental concern. Citizen participation in civic improvement starts from the interest that people have in their neighborhood blocks and the day-to-day relationships therein....
>
> The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved....
>
> Ensuring good quality neighborhoods is of utmost importance to the District."

In Title l l, the Land Use Element, the Plan gets quite specific. Section 1103, Objectives for Residential Neighborhoods, states:

> "The residential neighborhood objectives are to conserve the essentially satisfactory qualities of the District's many stable residential neighborhoods, to enhance other neighborhoods to improve and achieve stability, to redirect public and private initiatives to neighborhoods most in need of improvement and stability, to encourage development of adequate neighborhood shopping and support services in all sections of the District, to protect residential neighborhoods from disruptive uses and to prevent concentrations of non-residential uses in residential neighborhoods."

Policies in support of these objectives include "(l) Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhoodrelated uses; ..."

Housing objectives for Ward 6 under Subsection 1705.1 include:

"(b) To stimulate production in Ward 6 of new and rehabilitated housing ... to provide housing opportunities and allow for residential growth and stability according to area needs, (and) encourage row house construction compatible with the existing neighborhoods ..."

Objectives for preservation and historic features in Subsection 1725.1 include:

"(b) To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill ... Historic District ...;

(c) To encourage new development and renovations of structures that are sensitive to the character of the historic districts in Ward 6." [parentheses and dittos added]

COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 6A and the Capitol Hill Preservation Society recommended approval of the requested special exception.

AGENCY COMMENTS

This proposal was subject to review by the Historic Preservation Review Board (HPRB). The HPRB considered and approved the building addition plans on June 22, 2000 (refer to Exhibit 3).

RECOMMENDATION

The Office of Planning recommends approval.

Attachment

Exhibit 1 Plat (annotated)
Exhibit 2 Certificate of Occupancy dated January 29, 2001
Exhibit 3 Historic Preservation Review Board Staff Report and Recommendations for the meeting on June 22, 2000

AA/afj

Exhibit 1

....feet Recorded in Book ..C.H.J.B....., page 55

Receipt No. 9158

SCHNUECKER

Surveyor, D. C

By: D.A. JMA

...plans accompanying the application...hat the foundati... hereon is drawn, and dimensioned accurately to the same scale as shown on this plat; and that by reason of the proposed improvemen... shown hereon the size of any adjoining lot or premises is not decrea... than is required by the Zoning Regulations for light and ventilation. ... certified and agreed that accessible parking area where require... Regulations will be reserved in accordance with the Zoning Regulati... area has been correctly drawn and dimensioned hereon. It is furthe... elevation of the accessible parking area with respect to the High... approved curb or alley grade will not result in a rate of grade al... driveway at any point on private property in excess of 20% for singl... or flats, or in excess of 12% at any point for other buildings. (... Highway Department permits a maximum driveway grade of 12%... parking and the private restricted property).

Date 11/9/00

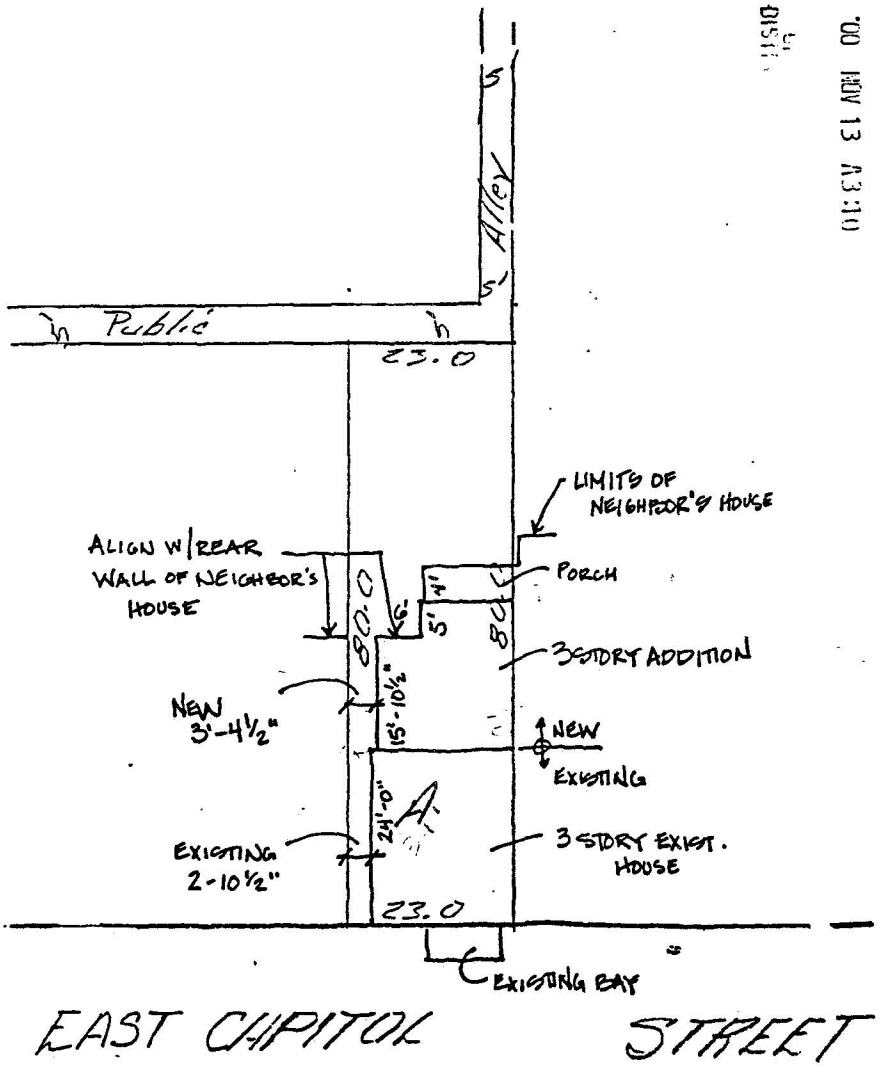
Michael D. Barnette 11/9/...

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

'00 NOV 13 A3:10

DIST...



S. O. For

004

OC/TEB

Exhibit 2

BLRA-17
(Rev 7/00)

District of Columbia Government
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
P.O. Box 37200 — Washington, D.C. 20002-7200

189857

1/29/01
(date)

CERTIFICATE OF OCCUPANCY

Permission is hereby granted to MICHAEL BARRETTE

to use suites(s) _____ on the 3 & BASEMENT floor(s)

of the building located on lot(s) 826A square 941

known as premises 910 E. CAPT. STR. N.E. for the following

purpose(s) 1-UNIT-1ST,&2ND,1-UNIT BASEMENT -2-UNIT FLAT
NOT SEXUALLY ORIENTED

[su]

BZA # _____ EXPIRATION DATE: _____

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the premises or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE *in the type of* business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R-4 FEE $ 32.00

Director C FULLER

By _____ Designee

98-0802PM5

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**910 East Capitol, NE**		Agenda
Landmark/District:	**Capitol Hill Historic District**	X	Consent Calendar
		X	Concept Review
Meeting Date:	**June 22, 2000**	X	Alteration
H.P.A. Number:	**00-457**		New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicants, owners Michael and Marilyn Barrette, seek conceptual design review for the construction of a brick three-story addition on the rear of a three-story rowhouse on Capitol Hill. The addition would not be visible from public space. The addition would project approximately 20' off the back of the house and is not incompatible with the character of the Capitol Hill Historic District.

The staff recommends that the Review Board approve the project in concept and delegate final approval to staff.

APPROVED BY HPRB 6-22-00