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December 4, 2001

MARY CAROLYN BROWN
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VIA HAND DELIVERY

Board of Zoning Adjustment for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: BZA Case No. 16719
Additions to 633 A Street, S.E.

Dear Members of the Board:

On behalf of Gordon Bremer and Carla Yates-Bremer, we are filing herewith an original and 13 copies of a statement in support of the above-referenced application for special exception relief to construct additions to the house at 633 A Street, S.E., (Square 870, Lots 832 and 833). Architectural drawings depicting the proposed additions are included as Exhibit D to the statement. A hearing on this matter has been scheduled for December 18, 2001.

Respectfully submitted,

HOLLAND & KNIGHT LLP

Carolyn Brown

Carolyn Brown

Enclosure
cc: ANC 6B
Office of Planning

BZA
Case No. 16719
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16719
EXHIBIT NO.41

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF:	)	
	)	
CARLA YATES- BREMER & GORDON BREMER	)	BZA Case No. 16719
633 A STREET, S.E.	)	
Square 870, Lots 832 and 833	)	Hearing: December 18, 2001
ANC 6B	)	
	)	

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Gordon Bremer and Carla Yates-Bremer (the "Bremers"), in support of their amended application to the Board of Zoning Adjustment for special exception relief. Pursuant to 11 DCMR §§ 3104.1, the Bremers seek approval to construct an addition to a flat that is non-conforming as to lot occupancy as permitted under section 223 of the Zoning Regulations. The property is located in the R-4 District at premises 633 A Street, S.E., (Square 870, Lots 832 and 833).

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment ("BZA" or "Board") has jurisdiction to grant special exception relief requested pursuant to D.C. Code § 5-424 and section 3104 of the Zoning Regulations (11 DCMR).

III.
BACKGROUND

A. Description of the Subject Property

The Subject Property consists of Lots 832 and 833 in Square 870, the city block bounded by A Street, S.E., to the north, Independence Avenue, S.E., to the south, 6th Street, S.E., to the

west and 7th Street, S.E., to the east. Brown's Court runs through the center of the square and abuts the rear of the subject property. Copies of real estate plats showing the location of the property are attached as Exhibit A to this statement.

The property is presently improved with a two-story attached rowhouse on Lot 832, which fronts on A Street, and a one-story garage on Lot 833, which abuts Brown's Court. Lots 832 and 833 are both rectangular in shape, and consist of 1,473 square feet and 999 square feet of land area, respectively. Currently vacant, the rowhouse has been used as a two-family dwelling for the past forty years. The Bremers intend to renovate the house for use as their primary residence and maintain a rental unit in the English basement.

The property is located in the R-4 District, a residential zone designed primarily for rowhouses that may be used as single family dwellings and flats. The property is also located within the Capitol Hill Historic District and contributes to the character of the historic area.

B. Description of Surrounding Area

The surrounding Capitol Hill neighborhood is characterized by late-nineteenth and early-twentieth century rowhouses, detached dwellings and small-scale apartment buildings. Two-story rowhouses abut the Bremer residence to the east and west. Across the street are similar rowhouses and a two-story apartment building. Modest alley dwellings, generally two-stories in height, are located to the rear of the property at Brown's Court.

C. Project Description

The Bremers propose to construct an addition to the side of the house, measuring approximately three feet by thirty-two feet, which will fill in an existing open court. The

Bremers also intend to construct a partial third story to the house to be used as a solarium.

The property is currently comprised of two assessment and taxation lots. The house is located on Assessment and Taxation ("A&T") Lot 832 and the accessory garage is located on A&T Lot 833. The house currently constitutes a non-conforming structure with respect to lot area, lot occupancy, and rear yard.

Under the proposed project, the two tax lots will be subdivided into one lot of record. After subdivision, the property will only be non-conforming with respect to lot occupancy. The building area of the house and accessory garage will comprise 70% of the new lot. The proposed addition to the side of the house will fill in an existing court, which is approximately three feet wide. Because this area already counts toward lot occupancy pursuant to the definition of "building area" in 11 DCMR § 199.1, the proposed addition will not increase the non-conformity. Nevertheless, the property will still exceed the maximum permitted occupancy of 60% for the R-4 District.

The construction of a partial third story likewise will not increase the lot occupancy, but will constitute an addition to a structure that does not conform with the lot occupancy requirements under 11 DCMR § 2001.3(a). Accordingly, the Bremers seek special exception relief under section 223 to allow a maximum lot occupancy of 70% as permitted under the recently adopted amendments to section 223 published in the *D.C. Register* on September 28, 2001. Listed below are the existing and proposed zoning calculations for the property.

Zoning Calculations

R-4 Provision	Required	Existing	Proposed
Height	40 ft. max. 3 stories max.	33 ft. 2 stories + cellar	35 ft. 3 stories + cellar
Lot Width	18 ft. min.	18.17 ft.	18.17 ft.
Lot Area	1800 s.f.	Lot 832: 1,474 s.f. Lot 833: 999 s.f.	New Lot: 2,472 s.f.
F.A.R.	None prescribed	N/A	N/A
Lot Occupancy	60%	Lot 832: 77% Lot 833: 62%	New Lot: 70%
Rear Yard	20 ft. deep	Lot 832: 19 ft. Lot 833: 21 ft.	New Lot:: 67.6 ft.
Side Yard	None required	None provided	None provided
Courts	None required	3 ft or less wide	None provided

IV.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF FOR AN ADDITION TO A SINGLE-FAMILY DWELLING OR FLAT IN THE R-4 DISTRICT UNDER 11 DCMR § 223.

A. Standard for Approving Special Exception Relief

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) *quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C.

1973). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Standard of Review for Additions to Dwellings

Section 223 of the Zoning Regulations permits, by special exception approval, an addition to a single-family dwelling or flat that does not comply with all of the area requirements for residential districts, provided it meets the provisions of set forth in section 223. As noted above, and as shown on the architectural drawings attached as Exhibit D, the lot occupancy of the two-family dwelling will not meet the 60% maximum limitation for flats in the R-4 District, as required under section 403.2. Additionally, because the existing house is non-conforming as to lot occupancy even after the proposed subdivision, special exception relief is also required from section 2001.3. That section provides that an addition may not be made to non-conforming structures unless it conforms to the percentage of lot occupancy requirements. Special exception relief from section 2001.3 is permitted under recently amended section 223.1 of the regulations.

As demonstrated below, and through exhibits, testimony and other information to be submitted into evidence before the Board, the Bremers meet the requirements for special exception approval.

C. The Light and Air Available to Neighboring Properties Shall Not Be Unduly Affected.

In compliance with section 223.2, the proposed additions will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property with respect to the following specific areas:

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

The proposed in-fill addition at the east side of the house will not unduly affect the light and air of the abutting property. The neighboring house is built up to the property line for a height of two stories, with a one-story addition to the rear. No windows are located in this wall, and thus no light or air of the adjacent property will be blocked or otherwise obstructed by the Bremers' in-fill addition.

The light and air of the Bremers' property, however, will be substantially enhanced by the proposed addition. Until the adjoining property owners built their recent addition, the Bremer dwelling enjoyed greater light and ventilation. Once the neighboring addition was constructed, however, the light and air to this narrow portion of the Bremer property was greatly reduced. Photographs attached as Exhibit E depict this "dog-leg" area which faces the blank wall of the neighbors addition. In order to recapture this lost light and air, the proposed in-fill addition on the Bremer property will include a skylight that will allow sunlight to penetrate to the first and second floors of the house. Thus, the proposed in-fill addition will enhance and restore light and air to the Bremer residence while having no adverse effect on the light and air of the adjoining property.

The construction of a partial third story will likewise have no adverse effect on the light and air of adjoining properties. The addition has been centered on the existing roof and will be set back at the front and rear, with solid walls on either side. It will not abut any windows of adjacent properties. Consequently, no light or air of adjacent properties will be blocked as a result of the new partial third floor.

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

The proposed addition has been carefully designed so that the privacy of adjacent properties will not be compromised. The in-fill addition abuts a blank wall of the adjacent property to the east and, thus, will have no effect on the neighbors' use and enjoyment of their house and yard.

The roof addition likewise will have no negative impact on the neighbors' privacy. The proposed solarium has been set back at the front and back with solid walls on either side to minimize and eliminate any impact on the privacy of the neighboring houses. At the rear of the property, the addition will be located approximately sixteen feet back from the rear wall of the house. This ample setback, which is twice the distance of the addition's height, prevents views into the neighbors' yards, thereby protecting the privacy and use of the adjacent property.

Likewise, the addition has been set back sixteen feet from the front of the house behind the existing front roof line and turret, as shown in the sight line studies at Exhibit D. Parapet walls on the east and west side elevations will be extended an additional 3.5 feet in height at the center portion of the roof to further protect the privacy of adjacent properties. The solid walls will prevent views from the partial third floor and a central roof deck into the adjacent yards. The parapet walls will also serve to buffer any noise or light that might emanate from the roof deck area.

223.1(c) *The addition, together with the original building, as viewed from the street, alley and other public way, shall not substantially intrude upon the character, scale and pattern of houses along the street frontage.*

The architects have developed an innovative design that virtually eliminates the visibility of the partial third floor from almost all directions. The floor of the addition has been depressed into a non-functional crawl space above the ceiling of the second floor, thereby increasing the height of the existing building by only two feet behind the front parapet. Together with the ample sixteen-foot setbacks at the front and rear of the house, these design features assure only the most modest of impacts on surrounding properties. As shown on the sight line studies, the existing two-story area of the house will obscure the view of the addition from the rear yards of neighboring properties. Similarly, the extended parapet walls at either side of the house also prevent views of the addition from the street.

The roof addition will be only partially visible from Brown's Court, and only from a distance, where its apparent size and scale will be greatly reduced. As shown in the photographs attached at Exhibit E, Brown's Court is a densely built alley comprised of small-scale two-story rowhouses and one-story garages. Pedestrian views from the alley to the new solarium will be blocked by these structures. Only at the east and west end of the alley will the addition be partially visible, without negatively affecting the surrounding area.

The addition has also been sensitively designed to blend in with the existing scale and character of the historic district. In order to serve its principle function as a solarium, the addition consists of large glass panels finished with a pitched roof of similar panels. This treatment creates a lightness of mass, material and scale that allows the addition to

recede into the background and let the surrounding late-nineteenth and early-twentieth century historic structures to predominate the urban streetscape.

The design of the addition has been approved in concept by the D.C. Historic Preservation Board ("HPRB"), with final design approval delegated to the HPRB staff. The staff's primary concern - visibility of the third-story addition from both the street and Brown's Court - has been addressed by further design refinements and appropriate setbacks, as demonstrated by sight line studies developed subsequent to HPRB review. The Capitol Hill Historic District is characterized by small-scale structures of varying heights, and two- and three-story structures are commonly juxtaposed next to each other. At either end of A Street, S.E., for example, two- and three-story buildings are built next to one another. Similarly, third-story additions are found in Brown's Court. Accordingly, the addition will not substantially intrude upon the character, scale or pattern of houses along A Street or Brown's Court.

223.1(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 to adjacent buildings and view from public ways.***

Architectural drawings and photographs are provided in Exhibits D and E to this statement to illustrate the relationship of the proposed addition to the adjacent buildings and view from public ways. Thus, the Bremers meet the requirement of this section.

223.3 *The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.*

As set forth above, the lot occupancy of the flat and additions will not exceed seventy percent after subdivision of the two tax lots into one lot of record.

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 additions proposed for the Bremers' residence has been professionally designed, with appropriate input from the HPRB staff, in order to protect adjacent properties. The partial third floor addition includes substantial setbacks and screening to reduce its apparent height, mass and visibility. The creative use of the existing crawl space to limit the increase in existing height to only two feet behind the front parapet is a special design element that protects the character of the surrounding streetscape and the historic qualities of the Capitol Hill neighborhood. The participation of the HPRB staff offers further assurance that the project has been appropriately designed. Thus, no further special treatment of the addition is necessary.

V.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A:	Portions of real estate plats showing the subject property highlighted in yellow;
Exhibit B:	A portion of the Zoning Map showing the subject property highlighted in yellow;
Exhibit C:	Surveyor's Plat of the Subject Property;
Exhibit D:	Architectural Drawings;
Exhibit E:	Photographs of the Subject Property and Vicinity;

Exhibit F: Text Amendments to the 11 DCMR § 223, published September 28, 2001, in the *D.C. Register*;

Exhibit G: Historic Preservation Review Board Staff Report dated September 26, 2001, Approving Additions in Concept;

Exhibit H: Outline of Testimony of the Bremers; and

Exhibit I: Outline of Testimony of Kajiwara, Gallagher & Paine, project architects.

VI.
WITNESSES

A. Carla Yates-Bremer and Gordon Bremer, property owners

B. William Gallagher, Kajiwara, Gallagher & Paine, project architects

VII.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for a special exception under the Zoning Regulations. Accordingly, the Bremers respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

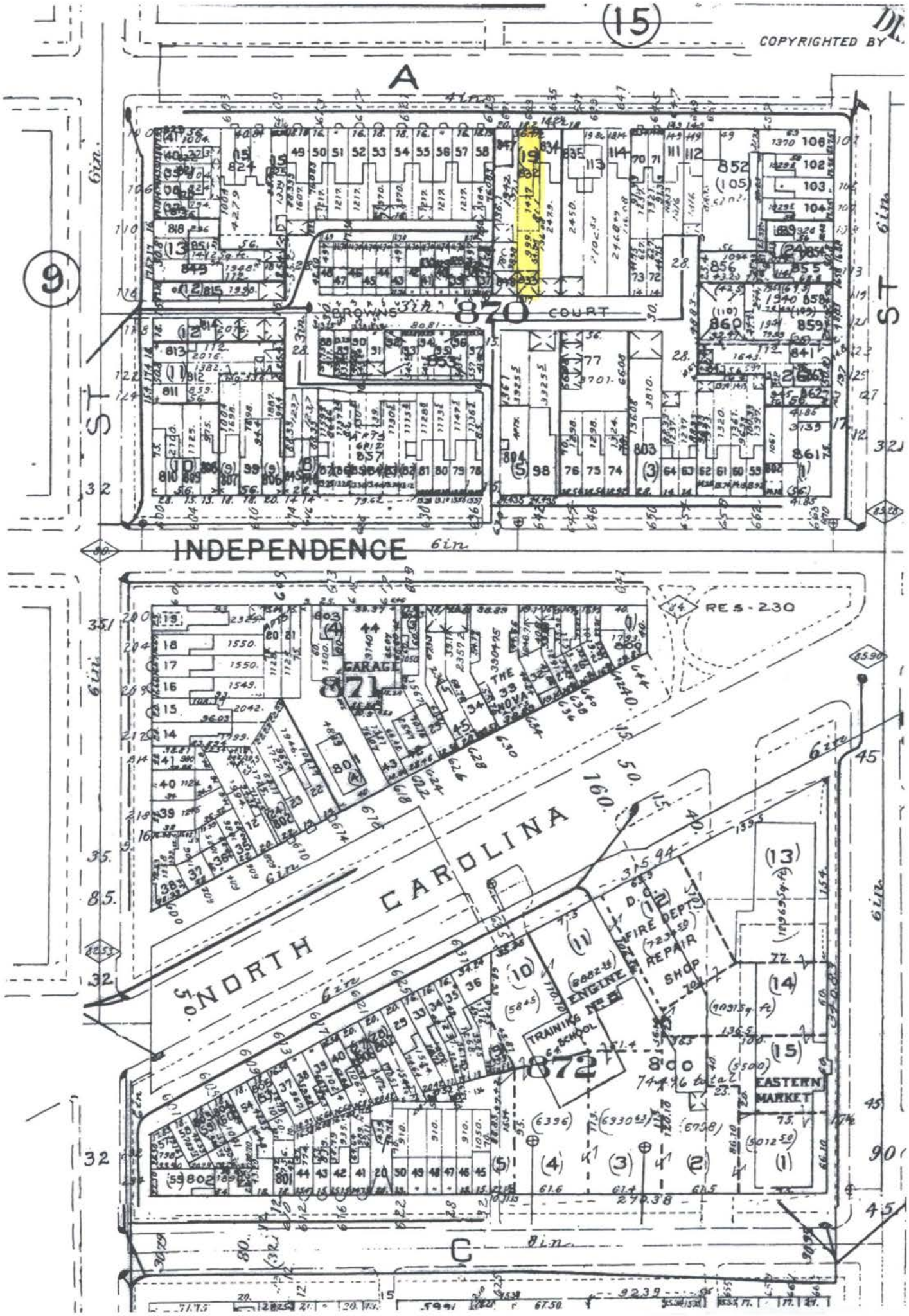
By: Carolyn Brown

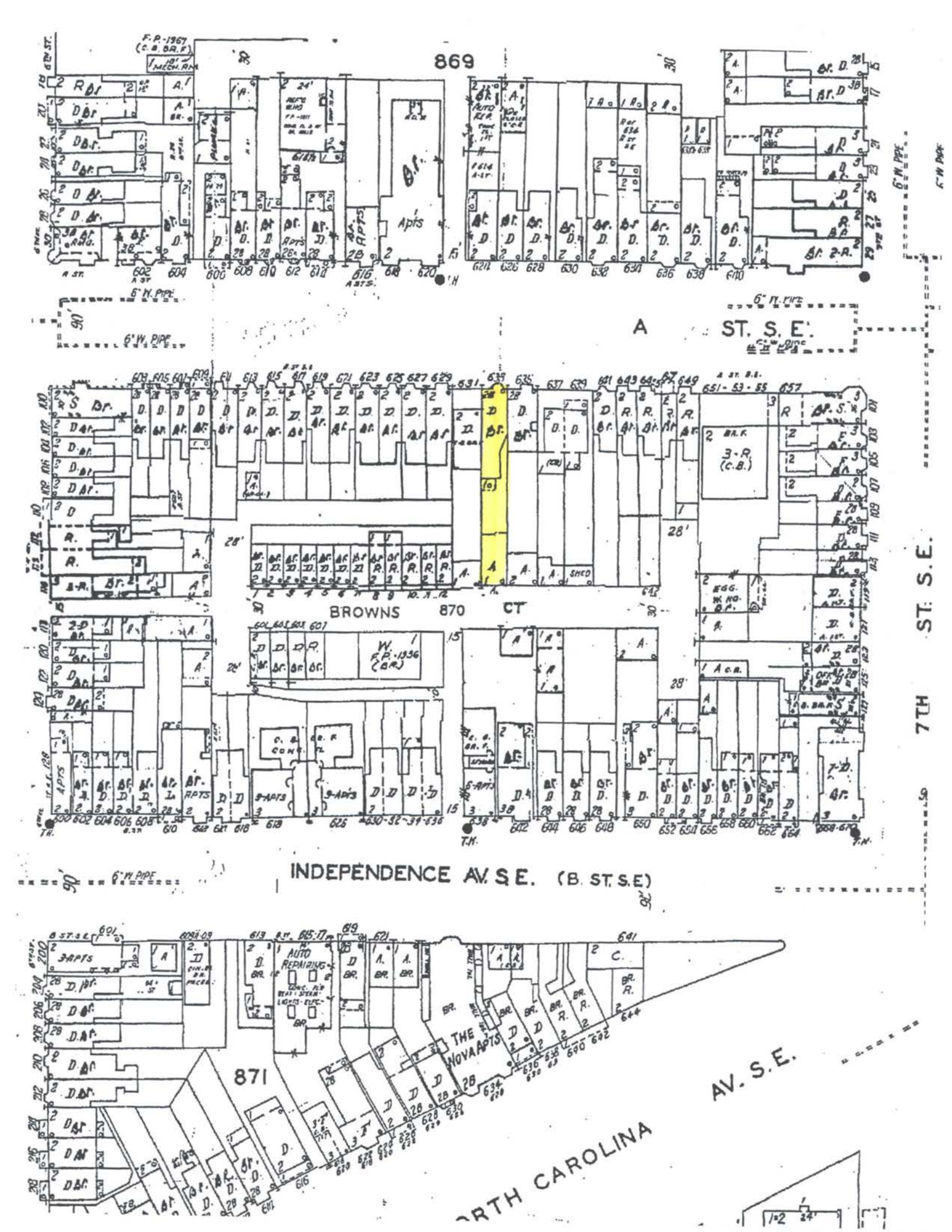
Mary Carolyn Brown, Esq.
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

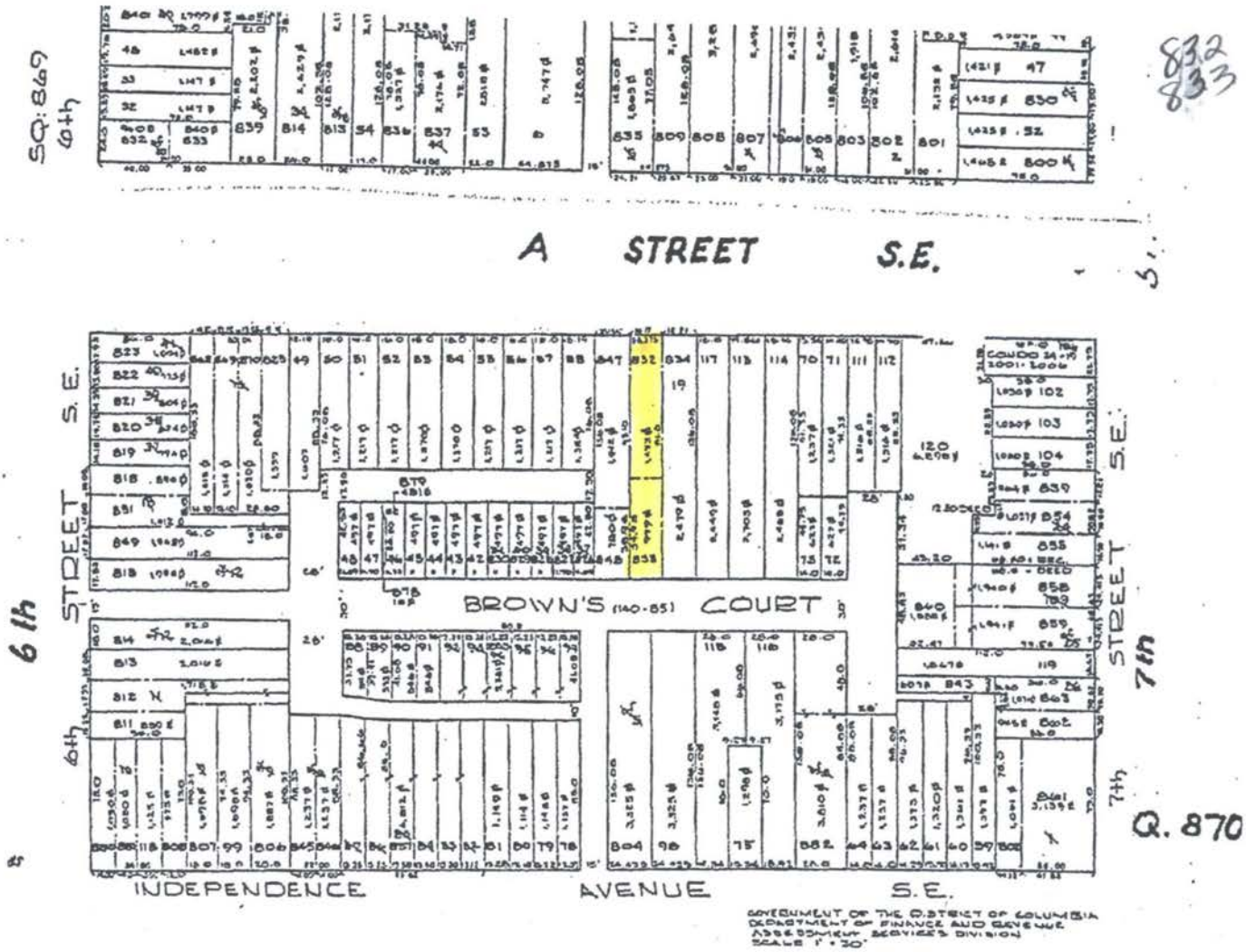
December 4, 2001

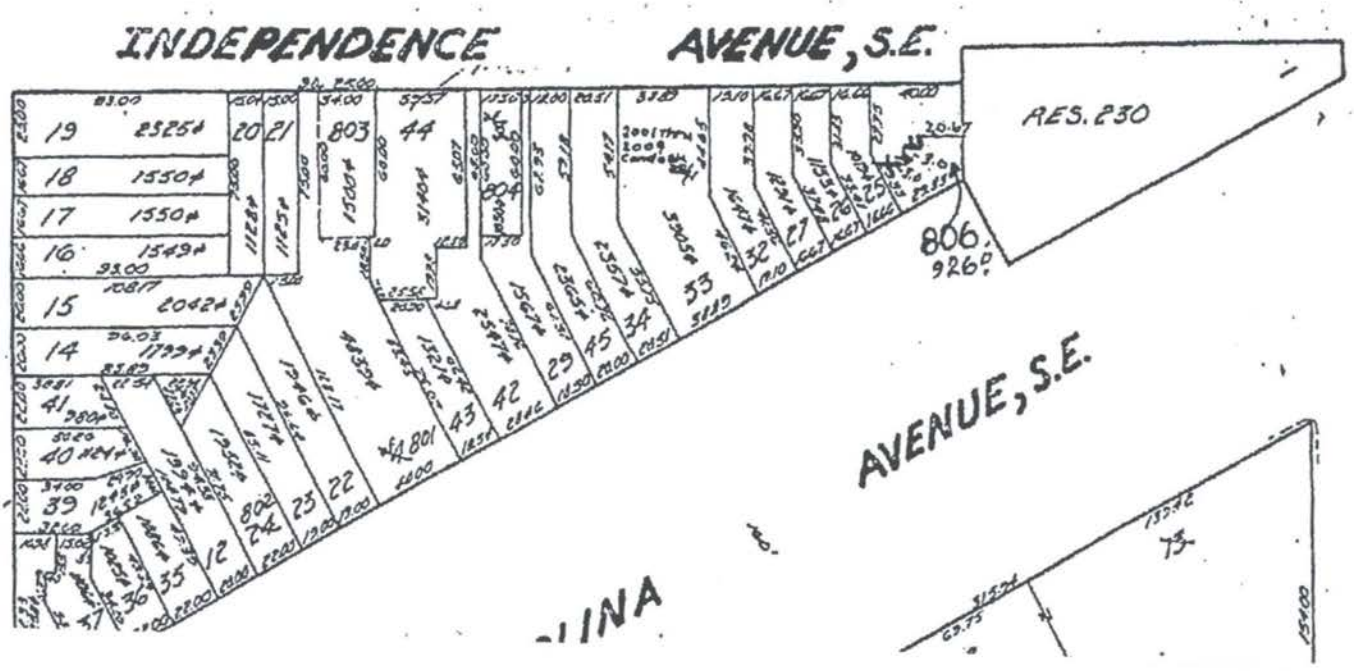
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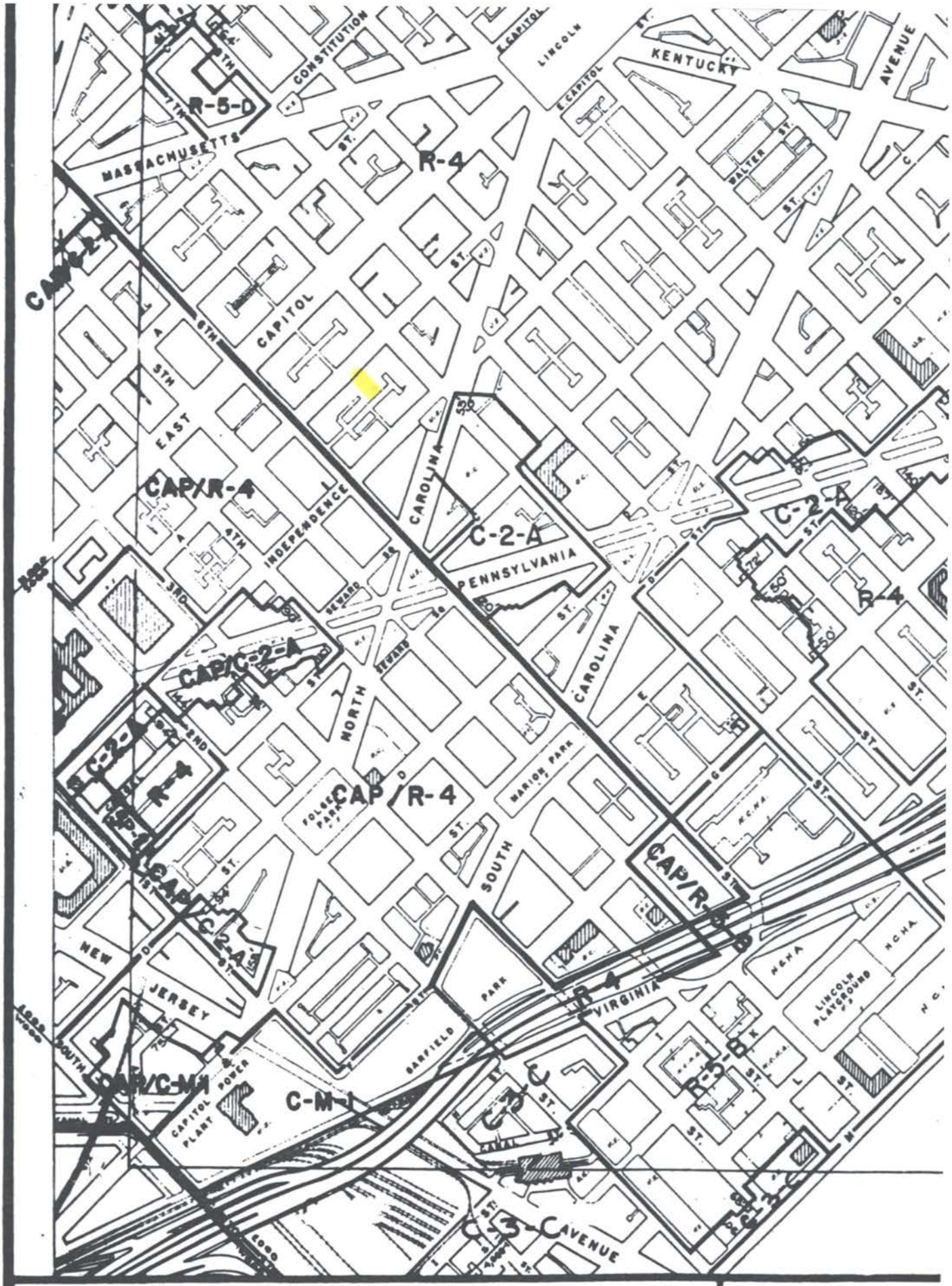

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ENGINE NO 5
TRAINING SCHOOL
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A ST. S.E.
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INDEPENDENCE AV. S.E. (B. ST. S.E)
871
AV. S.E.
NORTH CAROLINA


SQ. 869
4th
A STREET S.E.
6th STREET S.E.
7th STREET S.E.
BROWN'S (140-851) COURT
INDEPENDENCE AVENUE S.E.
Q. 870
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FINANCE AND REVENUE
ASSESSMENT SERVICES DIVISION
SCALE 1" = 20'


INDEPENDENCE AVENUE, S.E.
RES. 230
806
926
AVENUE, S.E.




R-5-D
R-4
CAP/R-4
C-2-A
CAP/C-2-A
CAP/R-4
CAP/C-M-1
C-M-1
C-3-C
R-5-B
CAP/R
CONSTITUTION
MASSACHUSETTS
CAPITOL
EAST
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NEW JERSEY
VIRGINIA
KENTUCKY
AVENUE
LINCOLN
WALKER
MARION PARK
POLICE PARK
PARK
GARFIELD
CAPITOL POWER PLANT
LINCOLN PLAYGROUND
NCHA
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2ND
3RD
4TH
5TH
6TH
7TH
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600
1200
SCALE
FEET
BY OFFICE OF PLANNING
Base map by National Capital Planning Commission



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., MAR 6, 2001

Plat for Building Permit of SQUARE 870 LOT 832

Scale: 1 inch = 10 feet Recorded in Book A&T Page TRACING

Receipt No. 2550

Furnished to: JOHN LINAM

Surveyor, D.C.

By: M F B

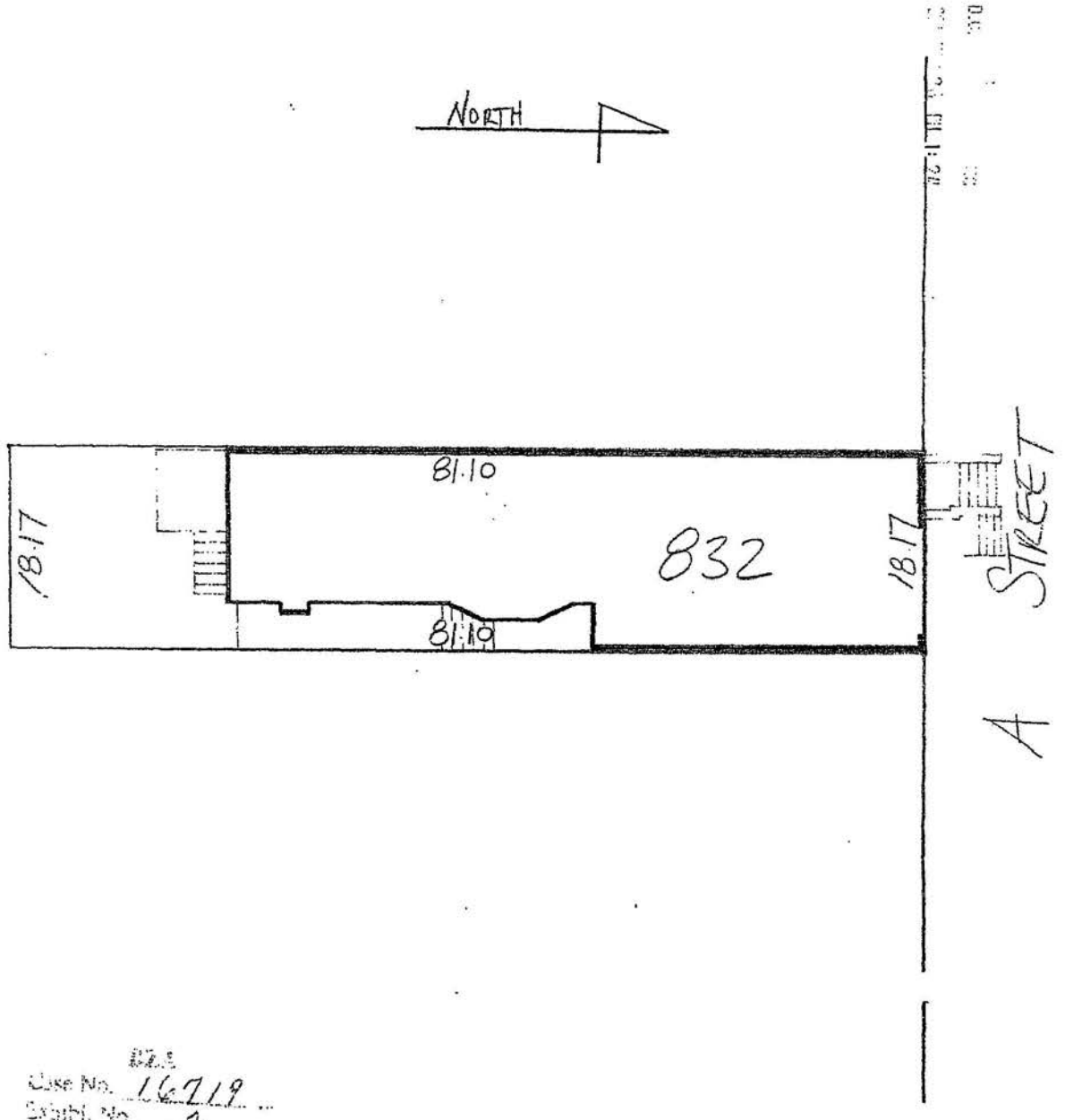
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 3/12/01

W B Callaghan

(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.



BZA
Case No. 16719
Exhibit No. 2

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., MAR 6, 2001

Plat for Building Permit of SQUARE 870 LOT 833

Scale: 1 inch = 10 feet Recorded in Book A&T Page TRACING

Receipt No. 2549

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Surveyor, D.C.

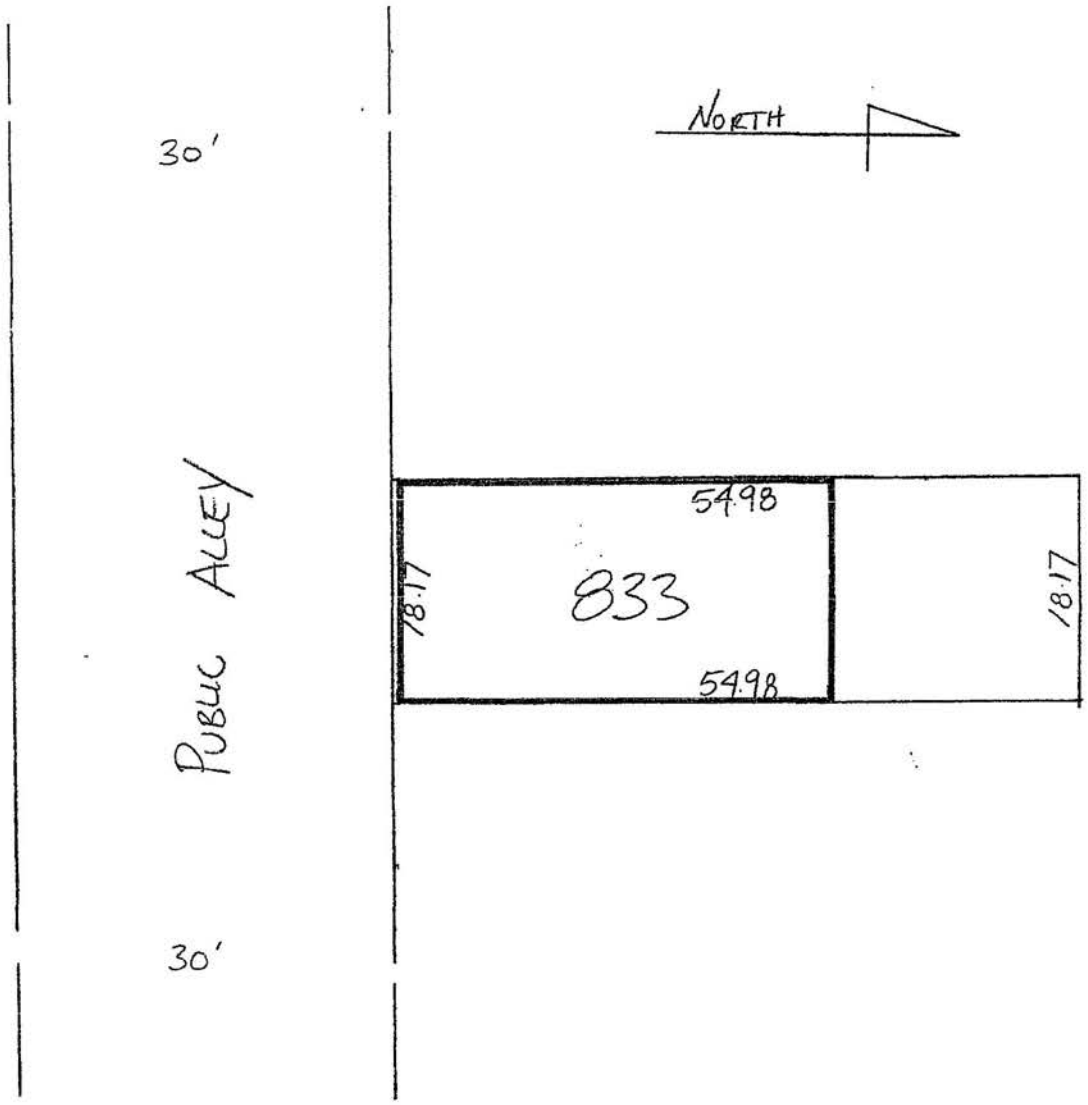
By: MA

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Date: 3/12/01

(Signature of owner or his authorized agent)

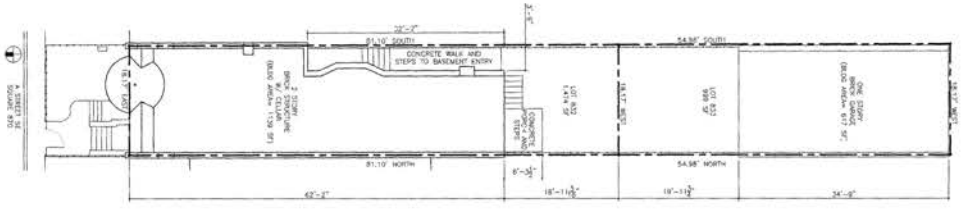
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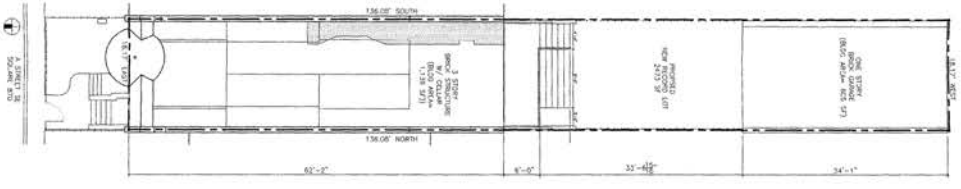
BZA
Case No. 16721
Exhibit No. 2



1 EXISTING SITE PLAN
1/16"=1'-0"



2 PROPOSED SITE PLAN
1/16"=1'-0"



ITEM	EXISTING (LOT 832	EXISTING (LOT 833	REQUIRED	ALLOWED	PROVIDED (NEW RECORD LOT)	VARIANCE
LOT AREA	1474 SF	999 SF	1800 SF	NA	2473 SF	
LOT WIDTH	18.17'	18.17'	18'	NA	18.17'	
LOT OCCUPANCY	77%	62%	NA	60%	70%	
FLOOR AREA RATIO	NA	NA	NA	NA	NA	NA
PARKING SPACES			1/ DWELLING		4 CAR GARAGE	
LOADING BERTHS	NA	NA	NA	NA	NA	NA
FRONT YARD	NA	NA	NA	NA	NA	NA
REAR YARD	19'	21'	20'	NA	67.58'	
SIDE YARD	NA	NA				
COURT OPEN						
COURT CLOSED						

3 LOCATION MAP
NTS



L100

SITE PLANS/ LOCATION MAP

SCHEMATIC DESIGN
10.18.01

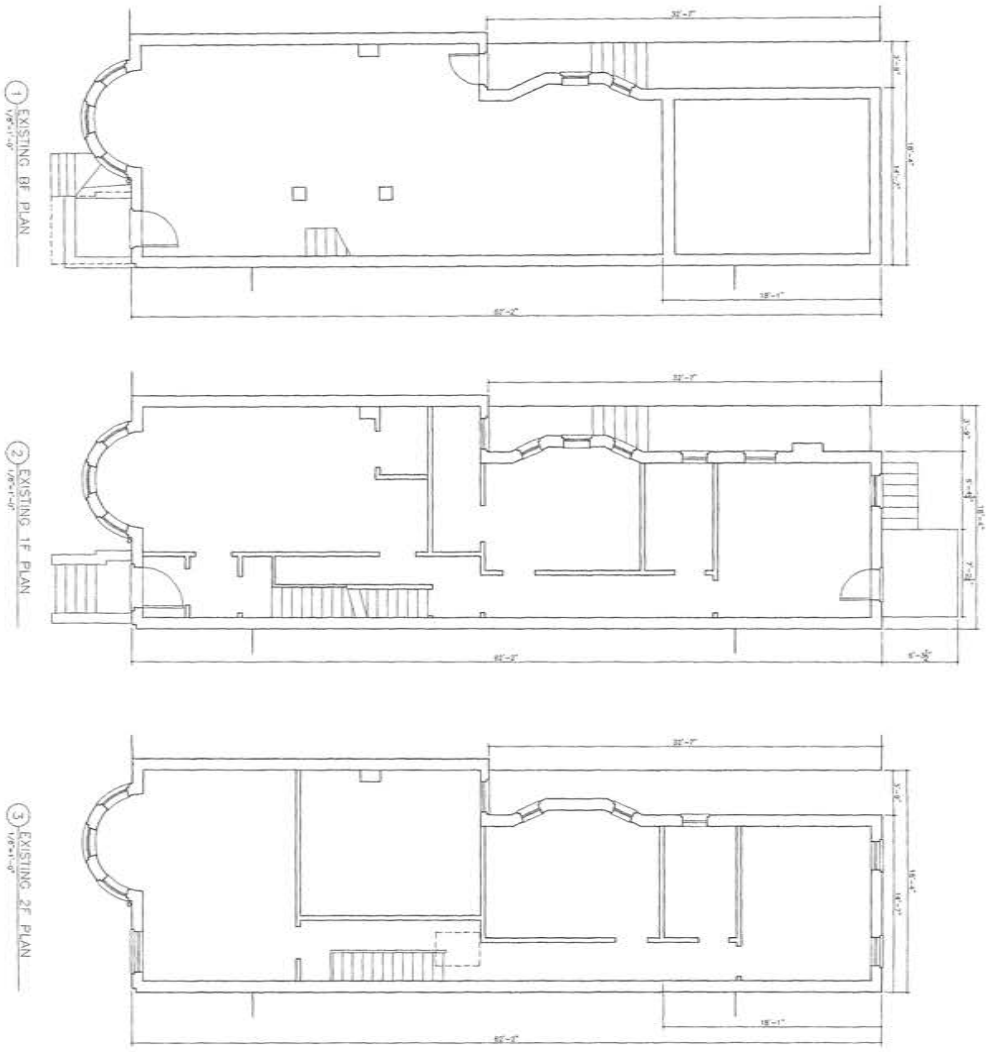
BREMER RESIDENCE
633 A STREET SE
WASHINGTON, DC

Kajiwara Gallagher Paine Design Studio

Washington, DC
Honolulu
Manila

1742 N Street NW Washington, DC 20036
(202.822.2100 (202.822.2104
www.kgpds.com

ARCHITECTURE PLANNING INTERIORS URBAN DESIGN



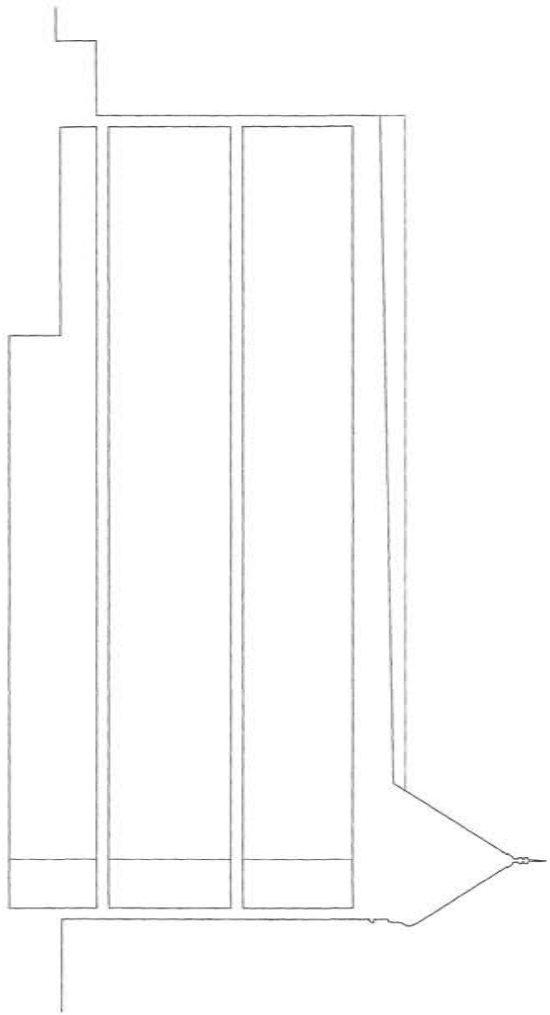
EXISTING FLOOR PLANS

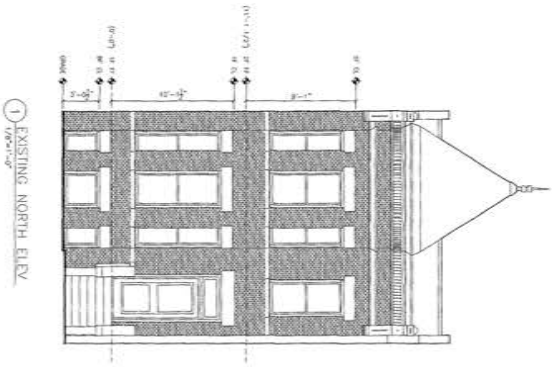
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SCHEMATIC DESIGN
10.18.01

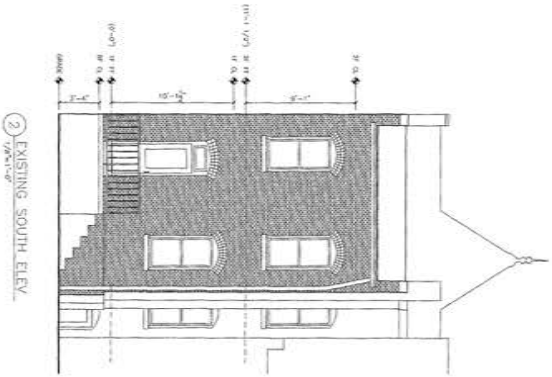
BREMER RESIDENCE
633 A STREET SE
WASHINGTON, DC

Kajiwara Gallagher Paine Design Studio

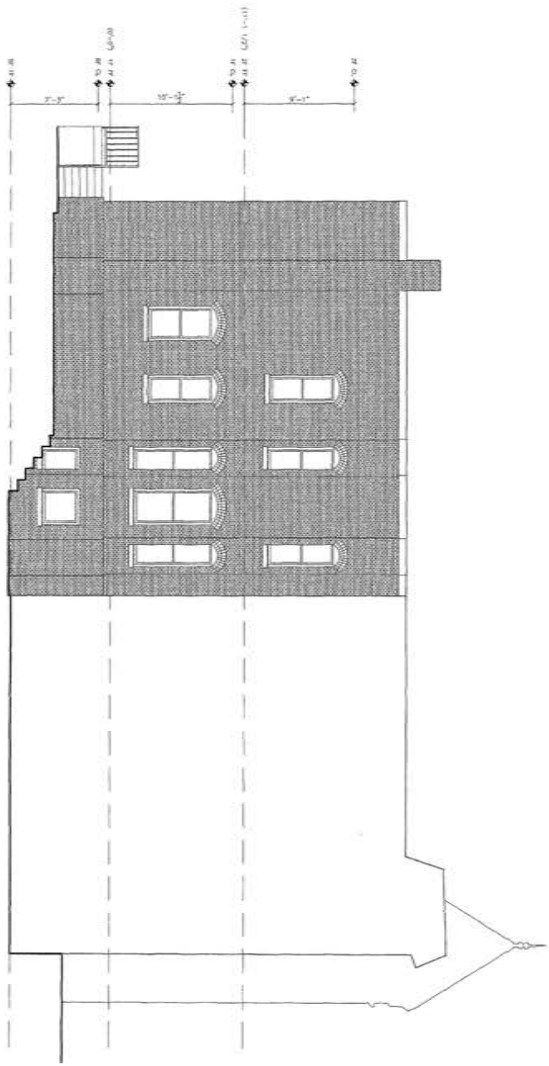




1 EXISTING NORTH ELEV
1/4"=1'-0"



2 EXISTING SOUTH ELEV
1/4"=1'-0"



1 EXISTING EAST ELEV.
1/8"=1'-0"

X301

EXISTING EXTERIOR ELEVATIONS

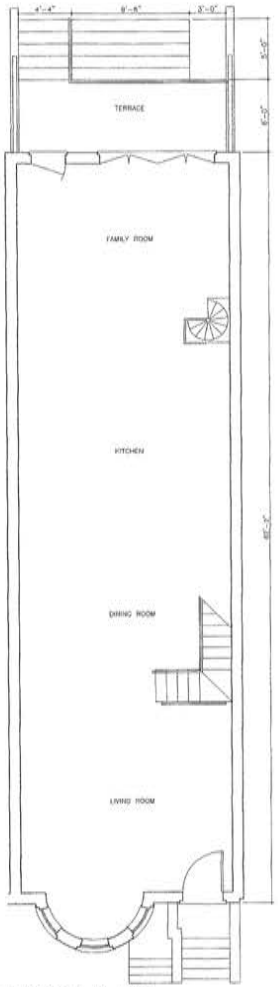
SCHEMATIC DESIGN
10.18.01

BREMER RESIDENCE
633 A STREET SE
WASHINGTON, DC

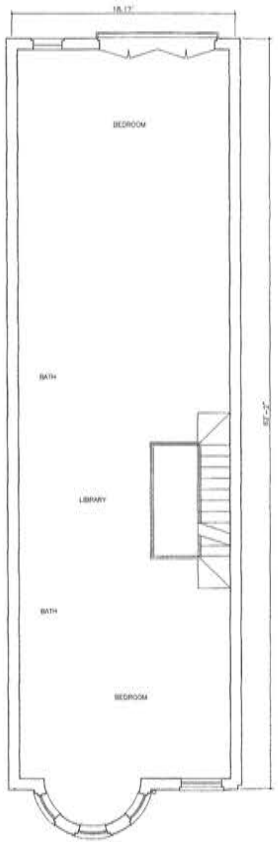
Kajiwara Gallagher Paine Design Studio

Washington, DC
Honolulu
Manila
1742 N Street NW Washington, DC 20036
(202.822.2102 (202.822.2104
www.kgpds.com

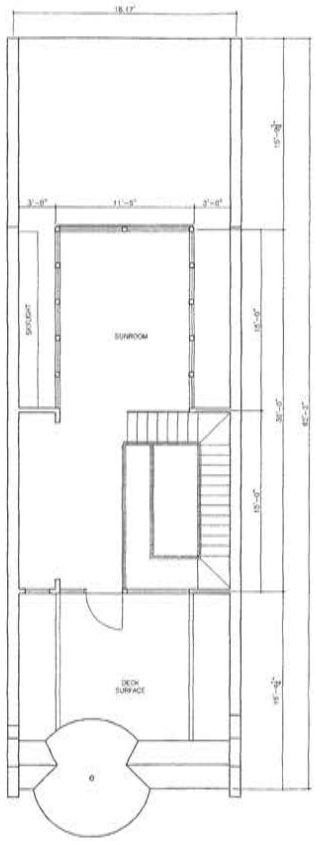
ARCHITECTURE PLANNING INTERIORS URBAN DESIGN



1 PROPOSED 1F PLAN
1/8"=1'-0"



2 PROPOSED 2F PLAN
1/8"=1'-0"



3 PROPOSED 3F PLAN
1/8"=1'-0"

K
G
P
Kajiwara Gallagher Paise Design Studio
Washington, DC
Virginia
Manila

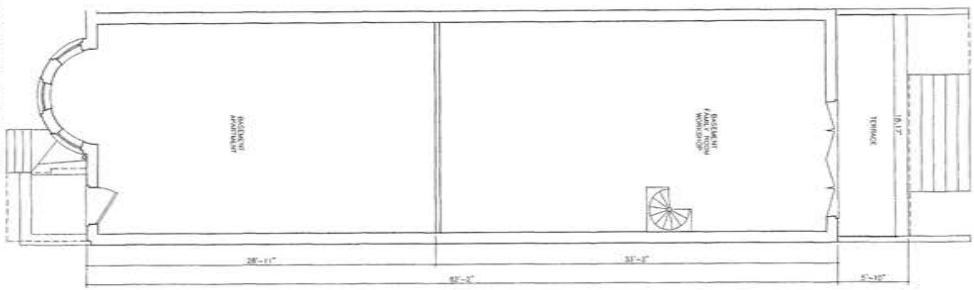
BREMER RESIDENCE
1633 A STREET SE
WASHINGTON, DC

PLANS

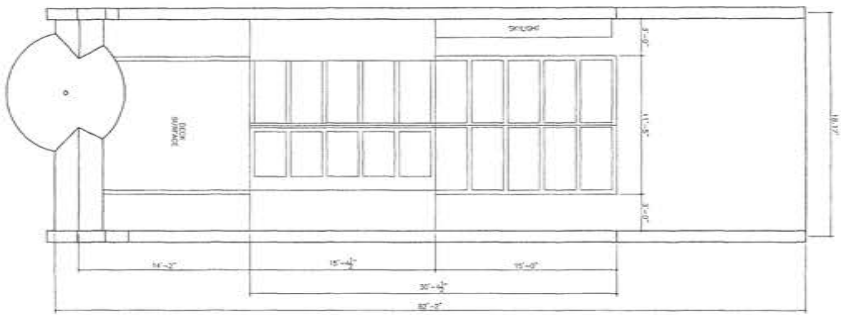
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10.18.01

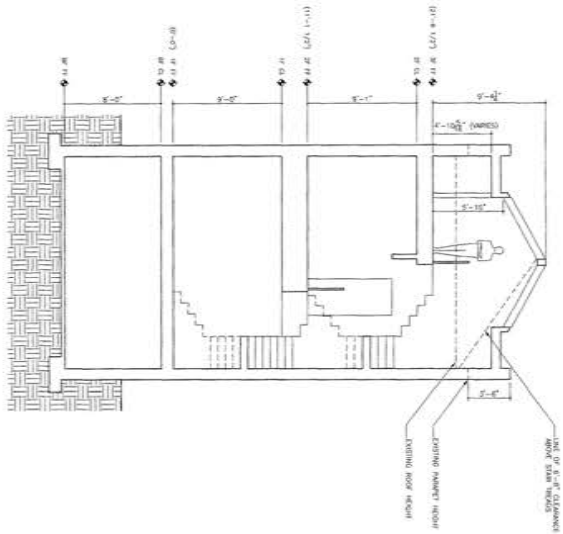
A100

1 PROPOSED CELLAR PLAN
1/8"=1'-0"

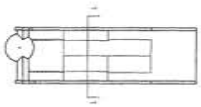


2 PROPOSED ROOF PLAN
1/8"=1'-0"





1 BUILDING SECTION
1/4"=1'-0"



BUILDING SECTIONS

A200

SCHEMATIC DESIGN
10.18.01

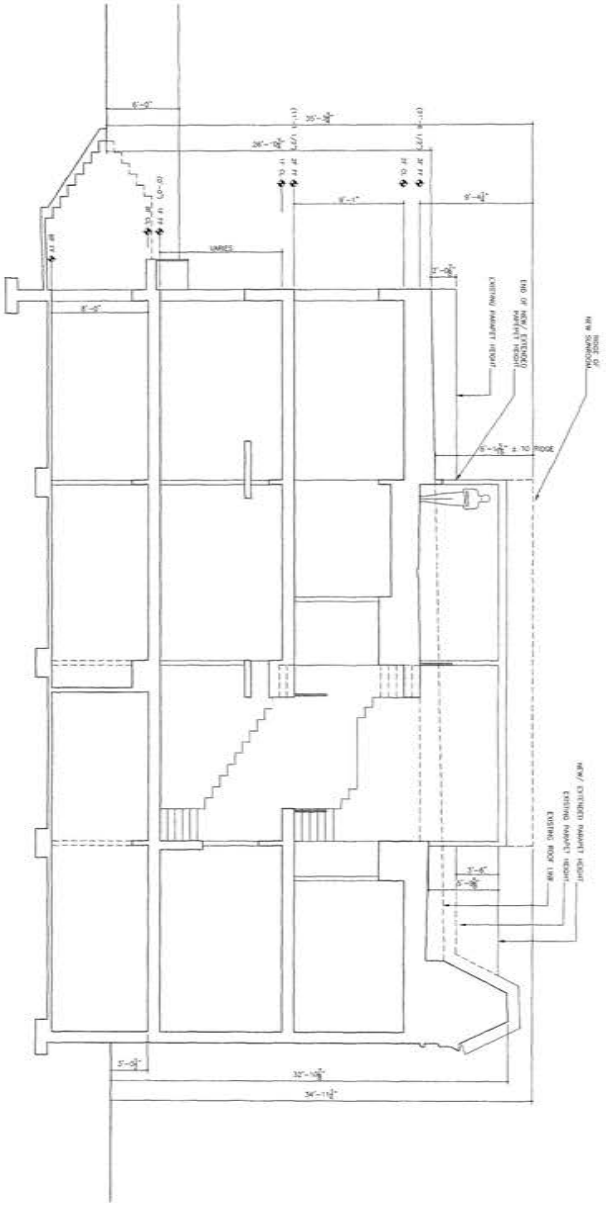
BREMER RESIDENCE
633 A STREET SE
WASHINGTON, DC

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Mendocino
Manila

1742 N Street NW Washington, DC 20036
(202) 822-2100 (202) 822-2104
www.kgpdc.com

ARCHITECTURE PLANNING INTERIORS URBAN DESIGN



1 BUILDING SECTION
1/8"=1'-0"



BUILDING SECTIONS

A201

SCHEMATIC DESIGN
10.18.01

BREMER RESIDENCE
633 A STREET, SE
WASHINGTON, DC

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Honolulu
Manila

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t202.833.2102 f202.833.2104
www.kgpds.com

ARCHITECTURE PLANNING INTERIORS URBAN DESIGN

1 PROPOSED NORTH ELEV
1/8"=1'-0"

2 PROPOSED SOUTH ELEV
1/8"=1'-0"

K G P Kajiwara Gallagher Paine Design Studio
Washington, DC
Virginia
Idaho
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(202) 232-2722 (202) 232-2733
www.kgpdesign.com
ARCHITECTURE PLANNING INTERIORS URBAN DESIGN

BREWER RESIDENCE
1330 A STREET SE
WASHINGTON, DC

DRAWING
A300

SCHEMATIC DESIGN
10.18.01

1 PROPOSED EAST ELEV
1/8"=1'-0"

2 PROPOSED WEST ELEV
1/8"=1'-0"

K
G
P
Kajiwara Gallagher Paine Design Studio
Washington, DC
Telephone
Mobile
1100 N Quaker Ln, Alexandria, VA 22302
703.212.2100 (O) 703.212.2101 (F)
www.kgpdesign.com
ARCHITECTURE PLANNING INTERIORS URBAN DESIGN

BREWER RESIDENCE
6308 A STREET SE
WASHINGTON, DC

DRAWING
SCHEMATIC DESIGN
10.18.01

A301

PROJECT DATA

VIEW DESCRIPTION

VIEW A: DIRECTLY ACROSS A STREET
VIEW B: NW CORNER OF SIDEWALK
VIEW C: NW CORNER OF STREET
VIEW D: DIRECTLY
VIEW E: DIRECTLY
VIEW F: ACROSS A STREET AT ANGLE
VIEW G: FROM OUTLET OF BROWN'S COURT
VIEW H: EAST END OF BROWN'S COURT

NOTE: LIMITED 2 STORY STRUCTURES BLOCK VIEW OF HOUSE, AND PERSPECTIVE FROM WEST END OF BROWN'S COURT.

K
G
P

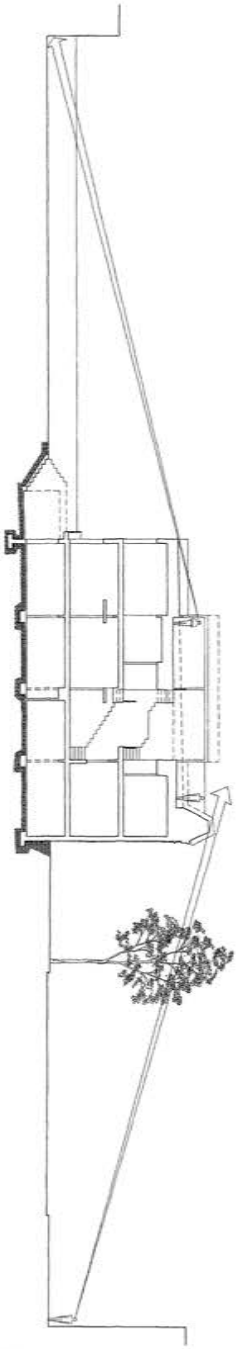
Kajiwara Gallagher Paine Design Studio
Washington, DC
Seattle
Hawaii
ARCHITECTURE PLANNING INTERIORS URBAN DESIGN

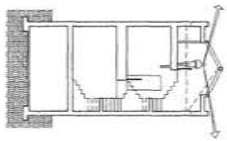
BREMER RESIDENCE
633 A STREET SE
WASHINGTON, DC

SITE LINE STUDIES
NO SCALE

SCHEMATIC DESIGN
09.20.01

ASK01





PROJECT DATA

ASK02

SITE LINE STUDIES
NO SCALE

SCHEMATIC DESIGN
09.20.01

BREMER RESIDENCE
633 A STREET SE
WASHINGTON, DC

Kajiwara Gallagher Paine Design Studio

Washington, DC
Honolulu
Marin

1742 N Street NW Washington, DC 20036
(202) 822-2100 (202) 822-2104
www.kgpds.com

ARCHITECTURE PLANNING INTERIORS URBAN DESIGN

MARCH 21, NOON
EXISTING

MARCH 21, NOON
WITH ADDITION

SEPTEMBER 21, NOON
EXISTING

SEPTEMBER 21, NOON
WITH ADDITION

JULY 21, 3PM
EXISTING

JULY 21, 3PM
WITH ADDITION

DECEMBER 21, 3PM
EXISTING

DECEMBER 21, 3PM
WITH ADDITION

K
G
P
Kajiwara Gallagher Paine Design Studio
Washington, DC
Nevada
Hawaii
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(202) 222-2102 (202) 223-2104
www.kgpdesign.com
ARCHITECTURE PLANNING INTERIORS URBAN DESIGN

BREMER RESIDENCE
633 A STREET SE
WASHINGTON, DC

SHADOW STUDIES
NO SCALE

DESIGN DEVELOPMENT
12.00.01

0000





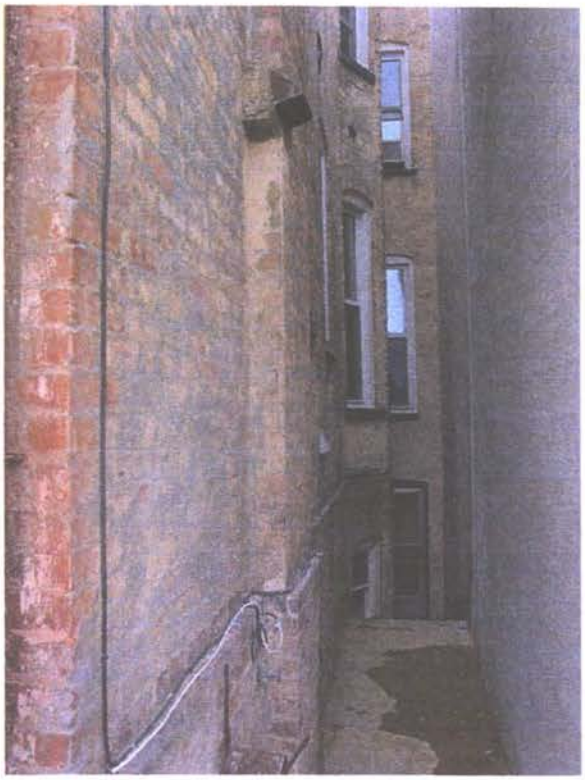
NE_01



SE-MH-01



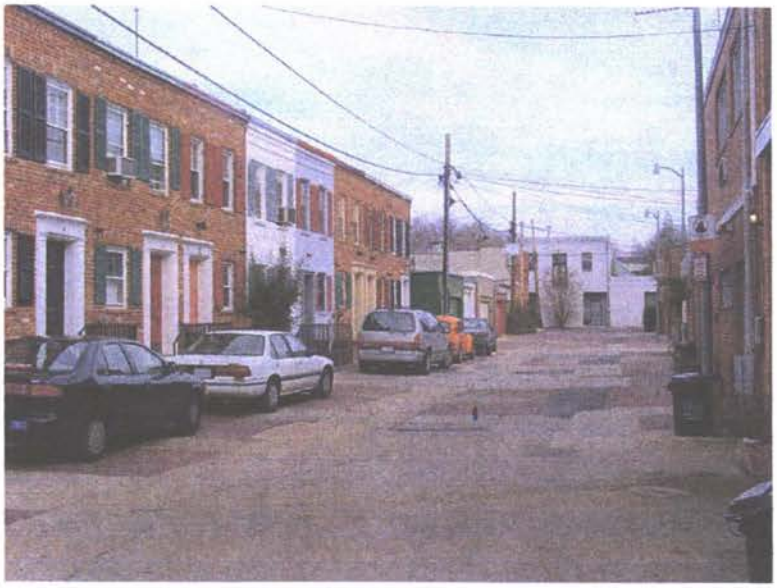
DOGLEG-A



DOGLEG-B



OTHER 3RD STORY



ALLEY-03

F

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
ORDER NO. 946
Z.C. Case No. 01-10TA
(Text Amendment – 11 DCMR)
(Additions to One-Family Dwellings and Flats)
September 17, 2001

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799, as amended; D.C. Code, 2001 Ed. §§ 6-641.01 and 6-641.07(d) (formerly codified at D.C. Code §§ 5-413 and 5-424(d) (1994 Repl.))); having held a public hearing as required by § 3 of the Act (D.C. Code, 2001 Ed. § 6-641.03 (formerly codified at D.C. Code § 5-415 (1994 Repl. & 1999 Supp.))); and having referred the proposed amendment to the National Capital Planning Commission for a 30-day period of review pursuant to 11 DCMR §§ 3025.3 and 3028.1; hereby gives notice of the adoption of the following amendment to § 223 of the Zoning Regulations, Title 11 DCMR, pertaining to additions to one-family dwellings and flats. The Commission took final action to adopt the amendment at a public meeting held on September 17, 2001.

The Commission initiated this case in response to Office of Zoning recommendations to correct a technical inconsistency between §§ 223 and 2001.3, which will allow nonconforming and conforming one-family dwellings and flats to be treated the same with respect to the criteria and burden of proof that must be met for relief from the area restrictions of the Zoning Regulations.

The Board of Zoning Adjustment may, pursuant to the existing text in 11 DCMR § 223, grant special exception relief to permit an addition to a one-family dwelling or flat that does not meet the requirements of §§ 401 (minimum lot dimensions), 403 (maximum percentage of lot occupancy), 404 (minimum rear yard requirements), 405 (minimum side yard requirements), and 406 (minimum court dimensions), provided the lot occupancy of the dwelling or flat does 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 purpose of § 223, adopted by the Zoning Commission on February 23, 1998, in Z.C. Order No. 840 (Z.C. Case No. 97-2/94-6), was to provide a remedy for applicants who wished to make reasonable additions to their homes but who could not meet the strict requirements for an area variance. Section 223 incorporated the general special exception requirements of § 3104.1 and

specified additional zoning controls to protect neighboring properties and neighborhood character.

This proposed rulemaking would extend special exception relief to homeowners with nonconforming structures, who otherwise must seek a variance from the provisions of § 2001.3 for their proposed additions. The Zoning Regulations define the term "nonconforming structure" in § 199.1 as

> a structure, lawfully existing at the time this title or any amendment to this title became effective, that does not conform to all provisions of this title or the amendment, other than use, parking, loading and roof structure requirements. Regulatory standards that create nonconformity of structures include, but are not limited to, height of building, lot area, width of lot, floor area ratio, lot occupancy, yard, court, and residential recreation space requirements.

Under § 2001.3, an enlargement or addition may be made to a nonconforming structure devoted to a conforming use provided:

(a) The structure shall conform to percentage of lot occupancy requirements;

(b) The addition or enlargement itself shall conform to use and structure requirements; and

(c) The addition or enlargement itself shall not increase or extend any existing, nonconforming aspect of the structure, and shall not create any new nonconformity of structure and addition combined.

Thus, many homeowners who would otherwise be eligible to seek special exception relief under § 223, but who have a nonconforming dwelling or flat, must also seek variance relief from § 2001.3. A significant number of homes in the District of Columbia were built prior to the adoption of the Zoning Regulations and are nonconforming. The necessity of a variance from § 2001.3 for nonconforming one-family dwellings and flats undermines the Zoning Commission's intent in adopting § 223, which was to relieve homeowners of the difficult burden imposed by the variance test and to make Board of Zoning Adjustment proceedings more efficient.

The proposed amendment also clarifies that § 223 only applies to relief from specified area restrictions applicable to an addition to a building that is a one-family dwelling or flat. Section 223 may not be used to permit the introduction or expansion of a nonconforming use as a special exception. It would not, therefore, authorize the Board of Zoning Adjustment to grant special exception relief from the use restriction in § 2001.3(b), which requires that an addition or

enlargement of a nonconforming structure conform to the use requirements of the Zoning Regulations.

The Commission set this case down for public hearing at its regularly scheduled meeting on May 14, 2001. A Notice of Public Hearing containing the proposed amendment and setting a hearing date for July 12, 2001, was published in the *D.C. Register* on June 1, 2001, at 48 DCR 4914.

The D.C. Office of Planning (OP), in its report dated June 29, 2001 (Ex. 9), recommended adoption of the proposed text amendment, with added language that would prevent the expansion or introduction of nonconforming uses under § 2001.3(b) as a special exception. The restriction proposed by OP is included in this final rulemaking.

In response to the Notice of Public Hearing, the Commission received written comments in support of the proposed rulemaking from architect Andre F. Houston and architect and former Zoning Commissioner Angel F. Clarens. Both observed that the same principles supporting the adoption of § 223 support the adoption of the proposed amendment to § 223.

The Commission received letters opposing the proposed rulemaking from Advisory Neighborhood Commission (ANC) 3G, which expressed concerns about the existing text in § 223.3, which provides that as a condition of special exception relief, the lot occupancy of the dwelling and the addition combined may not exceed 50 percent in the R-1 and R-2 Districts. Under § 403, the maximum percentage of lot occupancy in R-1 and R-2 Districts is 40 percent. ANC 3G is concerned that increased lot occupancy may result in substantial adverse effects on adjacent properties, including impacts on light and air and intrusion on the character, scale, and pattern of housing along the building's street frontage. ANC 3G requested that the provisions in § 223 that allow an increase in lot occupancy to 50 percent by special exception in the R-1 District be repealed. ANC 3F submitted a resolution requesting that the Zoning Commission not approve the proposed text amendment, but instead issue an expanded public notice that addresses and offers as an alternative repeal or restriction of the existing text. Ward 3 Councilmember Kathy Patterson likewise opposed the increased lot occupancy allowed by special exception in the R-1 and R-2 Districts.

At the public hearing on July 12, 2001, the Commission received oral comments from ANC 3G and ANC 3F relating to the increased lot occupancy allowed by special exception in the R-1 and R-2 Districts and whether the increase promotes "McMansions," large buildings out-of-character with the neighborhood. Architect Andre F. Houston, speaking in support of the proposed amendment, illustrated several anomalies in requiring a different burden of proof for additions to nonconforming dwellings as compared to additions to conforming dwellings. *See* Ex. 12.

At the conclusion of the public hearing, the Commission took proposed action pursuant to 11 DCMR § 3027.2 to approve the rulemaking. In response to the ANCs' comments, the Commission also requested OP to undertake a study of § 223 and recommend any changes found

necessary or desirable to address the ANCs' concerns relating to increased lot occupancy. On July 27, 2001, a Notice of Proposed Rulemaking was published 48 DCR 6898 for a 30-day notice and comment period.

The Commission received written comments from ANC 3F in response to the Notice of Proposed Rulemaking, requesting the Commission to defer action or to significantly narrow the scope of the rulemaking. ANC 3F is concerned that the increased lot occupancy allowed under the existing regulation by special exception could result in increased stormwater runoff. ANC 3F urged the Zoning Commission not to adopt the proposed rulemaking in its present form; or, alternatively, to require stormwater runoff mitigation as a condition of special exception relief, to limit the amendment to owner-occupied dwellings, and to exclude from the benefit of the amendment structures that are already nonconforming because they exceed the maximum percentage of lot occupancy. ANC 3G submitted a letter in supporting ANC 3F's recommendations, and encouraged the Zoning Commission to issue an expanded public notice that proposed as an alternative repeal or restriction of the existing text. The Natural Resources Defense Council also submitted a letter supporting ANC 3F's comments, and requested that any increased lot coverage be conditioned on stormwater runoff mitigation.

The notice of proposed rulemaking was referred to the National Capital Planning Commission (NCPC) under the terms of § 492 of the District of Columbia Charter. NCPC, by delegated action of its Executive Director dated August 31, 2001, indicated that the proposed text amendment would not adversely affect the federal establishment or other federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, including Special Streets and Special Places, as well as adjacent federal lands and buildings.

The Commission reviewed this case at its public meeting on September 17, 2001. With respect to the comments received in response to the Notice of Public Hearing and the Notice of Proposed Rulemaking, the Commission notes that the existing text already requires the Board of Zoning Adjustment to determine whether the proposed addition would first, adversely affect adjacent properties with respect to light, air, and privacy, § 223.2(a) and (b); second, "substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage," § 223.2(c); third, be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps," § 3104.1; and fourth, "tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." § 3104.1. Pursuant to § 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" as a condition of granting the requested special exception. The regulations thus already address the concerns raised in the comments in opposition to the proposed rulemaking, including concerns relating to light and air, impacts from increased lot occupancy, and stormwater runoff onto adjacent and nearby properties. Concerns relating to the control of stormwater runoff in general are more appropriately directed to the District of Columbia Department of Health and Department of Consumer and Regulatory Affairs, which

regulate water quality and construction practices respectively. The Commission can discern no reason to limit the availability of special exception relief under § 223 to owner-occupied dwellings.

The Commission determined to adopt the rulemaking as proposed as a final rulemaking. No changes have been made to the language proposed in the Notice of Proposed Rulemaking. The Office of the Corporation Counsel has determined that this rulemaking meets its standards of legal sufficiency.

Based on the above, the Commission finds that the proposed amendment to the Zoning Regulations are in the best interest of the District of Columbia, consistent with the intent and purpose of the Zoning Act and the Zoning Regulations, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendment to § 223 of the Zoning Regulations, Title 11 DCMR. Deleted wording is shown in strike-through lettering and added wording is shown bolded and underlined.

Chapter 2, R-1 Residence District Use Regulations, § 223, is amended to read as follows:

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the **applicable area** requirements of §§ 401, 403, 404, 405, ~~or~~ 406**, and 2001.3** shall be permitted if approved by the Board of Zoning Adjustment in accordance with § 3104.1, subject to the provisions of this section.

223.2 The addition 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;

(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 subject street frontage; and

(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 to adjacent buildings and views from public ways.

223.3 The lot occupancy of the dwelling or flat, together with the addition, 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.

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.

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

Vote of the Zoning Commission taken at its public meeting on July 12, 2001, to **approve** the proposed rulemaking: **4 – 1 – 0** (Carol J. Mitten, John G. Parsons, James H. Hannaham, Peter G. May, to approve; Anthony J. Hood, opposed on grounds that additional time was needed for community outreach).

This order was **adopted** by the Zoning Commission at its public meeting on September 17, 2001, by a vote of **5 - 0 - 0** (Anthony J. Hood, Carol J. Mitten, John G. Parsons, James H. Hannaham, and Peter G. May).

In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the D.C. Register; that is, on _____.

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**633 A Street, SE**		Agenda
Landmark/District:	**Capitol Hill Historic District**	**X**	Consent Calendar
		X	Concept Review
Meeting Date:	**September 26, 2001**	**X**	Alteration
H.P.A. Number:	**01-545**		New Construction
Staff Reviewer:	**T. Luke Young**		Demolition
			Subdivision

The applicants, owners Carla and Gordon Bremer and their architect William Gallagher, AIA (KGP Design Studio), seek conceptual approval to infill their rear "open court," rebuild the rear elevation and construct a one-story rooftop addition on a two and a half-story late 19th-century Queen Anne/Free Classic Revival brick rowhouse. Additionally, the applicants propose to construct a second story addition above an existing one-story garage behind the house on a separate record lot fronting on Brown's Court.

The rear "open court" or side yard is approximately 3 feet by 32 feet and has been almost entirely blocked in by the new construction of a party wall on the lot line to the west. The proposal would result in the removal of most of the west side wall of the rear ell and its window, but its historic function has already be compromised by the adjacent wall. The staff feels that this infill is not inconsistent with other rear additions that the Board has approved for Capitol Hill in the past.

In general, the rebuilding of the rear wall, if absolutely necessary, is acceptable, but its detailing should be further studied. The existing ell addition should be differentiated from the infill to reflect the historical condition and plan of the building. One way to achieve this is to incorporate a vertical reveal between the two masses or to set back the infill wall. Additionally, the detailing of the rear should be simplified, perhaps by eliminating the arched lintel and transom windows.

The rooftop addition poses the most difficult design challenges in the proposed project. The *District of Columbia's Historic Preservation Guidelines: Additions to Historic Buildings* stipulate that new additions must be compatible with the original building and character of the neighborhood. Even at the conceptual level it is unclear whether a "skylight/greenhouse" is the most appropriate solution for a rooftop enclosure. The boxy structure is set back in an attempt to reduce the visibility from A Street, but the staff is still unable to determine its impact on the historic district based on the drawings submitted. Herein lies the most critical aspect of the project. The *Guidelines* for additions to historic buildings state that "any rooftop addition should be located far enough behind the existing cornice so that it is hidden from view by pedestrians from the street."

Though the Bremer residence is an attached rowhouse, the house next door to the east is one story shorter, a condition that increases the visibility of any additions on the roof. The applicants provided staff with a sight-line diagram taken perpendicularly form the front of the house, but did not provide one from the oblique side angle to the east where the impact would be greatest. Equally important is the visibility of the addition from Brown's Court. In Capitol Hill, named residential alleys have been recognized as being just as significant to the character of the historic district as the streets and avenues.

Finally, the project proposes adding a second floor to an existing one-story garage on a separate record lot fronting on Brown's Court. The applicant has worked closely with the staff in developing a design solution that is consistent with other two-story residential buildings on the alley.

The staff recommends that the conceptual approval be granted if the applicants can demonstrate that the rooftop addition will not adversely impact the character of the district and if they continue to refine the detailing of all elements of the project. The applicants are asking the Board for approval at this time recognizing that they will need zoning variances for most of the work proposed.

The staff recommends that the Review Board approve the conceptual design, with the design recommendations outlined above, as consistent with the purposes of the Historic Preservation Act and with the character of the Capitol Hill Historic District, and delegate final approval to staff.

H

OUTLINE OF TESTIMONY
OF GORDON BREMER AND CARLA YATES-BREMER
BZA CASE NO. 16719
633 A STREET, S.E.

I. Introduction

A. Acquisition of Property

B. Return to the City

II. Past BZA Applications

A. Additions to Main House

B. Addition to Garage

C. Community Opposition

III. Present Application

A. Additions to Main House

B. Elimination of Garage Proposal

C. Lack of Opposition

IV. Conclusions

EXHIBIT H



OUTLINE OF TESTIMONY OF
KAJIWARA GALLAGHER & PAINE DESIGN STUDIO
BZA CASE NO. 16719
633 A STREET, N.W.

I. Introduction

II. Description of Proposal

- A. Additions to Main House
  - 1. "Dog-Leg" Addition
  - 2. Solarium Rooftop Addition
- B. Light and Air to Property
- C. Compatibility with Neighborhood and Historic District

III. Special Exception Relief

- A. Light and Air of Neighboring Properties
- B. Privacy of Use and Enjoyment of Neighboring Properties
- C. Lack of Intrusion on Character and Scale of Surrounding Area (HPRB)
- D. Compliance with 70% Lot Occupancy Limit

IV. Conclusions

EXHIBIT I