EXHIBIT D

Government of the District of Columbia

Office of the Director

Office of Planning
415 12th Street, N.W.,
Washington, D.C. 20004

MAR 13 1991

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DISTRICT OF COLUMBIA ZONING

M E M O R A N D U M

TO: Board of Zoning Adjustment

FROM: David W. Colby
Acting Director

SUBJECT: BZA Application No. 15476

Application

Application of David and Barbara Scheuer, pursuant to 11 DCMR 3107.2, for a variance from the lot occupancy requirements (Sub-section 403.2), a variance from the minimum lot width requirements (Sub-section 401.3), and a variance from the allowable floor area ratio requirements (Sub-section 1203.3) for the construction of a two-family dwelling in a CAP/R-4 District at premises 315 East Capitol Street, S.E., (Square 787, Lot 816).

Summary Recommendation

The Office of Planning (OP) recommends approval of this application.

Applicants' Proposal

The applicants are proposing to build a three-story plus cellar flat. The cellar would contain a one-bedroom apartment. The remaining three floors would contain the applicants' residence and would consist of an entrance foyer, a living room, a dining room, a kitchen, four bedrooms and three and one-half baths. A one-car garage would also be constructed at the rear of the property.

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BZA
Case No. 16854
Exhibit No. 12

Board of Zoning Adjustment
District of Columbia
CASE NO.16854
EXHIBIT NO.12

Site and Area Description

The subject site is located in the Capitol Hill Historic District and is comprised of Lot 816 in Square 787. The subject property is rectangular in shape and fronts along the south side of East Capitol Street, S.E. between 3rd and 4th Streets, S.E. The subject site is 16 feet wide and abuts a 15-foot wide public alley to the east and a 30-foot wide public alley to the south (rear). The subject site is presently vacant.

The area surrounding the subject site is characterized by large structures which are two and three stories in height with cellars. The Folger Library and the Library of Congress Annex are located on the adjacent block to the west.

The subject site is located in a CAP/R-4 District. The R-4 District permits matter-of-right development of residential uses including detached, semi-detached and row single-family dwellings and flats with a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 percent, and a maximum height limit of three stories/40 feet. The maximum permitted FAR is 1.8. One parking space is required for every two dwelling units.

The CAP (Capitol Interest District) overlay permits development of uses that are consistent with the U.S. Capitol Master Plan to a maximum floor area ratio of 1.8 and a maximum height of three stories/40 feet. This district is mapped in combination with other districts.

Compliance with the Zoning Regulations

The applicants are requesting three area variances pursuant to Sub-sections 3107.2, 403.2, 401.3 and 1203.3 of 11 DCMR to allow the construction of a two-family dwelling.

The granting of the proposed area variances is predicated on the following findings:

1. A practical difficulty on the property owner sustained and caused by uniqueness of the specific property and inherent in the property itself (examples: topography, size, shape, or other unique aspect of the existing condition);

2. The requested variance can be granted without substantial adverse area impacts; and

3. The variance can be granted without impairing the intent, purpose, and integrity of the zone plan for the city.

Comments

As stated, the subject site is located in the Capitol Hill Historic District. The Historic Preservation Review Board has given conceptual approval to the subject proposal (copy attached).

There is an adjacent public alley to the east of the subject property and another to the south. The property to the west is improved with a three-story rowhouse. Consequently, the subject lot cannot be enlarged. The applicants' proposal would exceed the maximum allowed FAR of 1.8 by 0.08 and the maximum permitted lot occupancy of 60 percent by 17.5 percent. If the applicants did not build a roof on the proposed garage, they would meet the FAR requirement of the R-4 District and would exceed the lot occupancy by only one percent. The subject proposal would still provide one on-site parking space as required by the R-4 District regulations.

The subject site was subdivided in the late 1800s. The promulgation of the 1958 Zoning Regulations rendered the site nonconforming regarding the minimum lot width requirement of 18 feet. The subject lot is only 16 feet wide. Because of the narrowness of the subject lot, the rooms of the proposed dwelling would be narrower than average. Consequently, the rooms would have to be designed longer to compensate for the narrow width. The inefficiency of this configuration would create a larger building footprint. Additionally, because of the narrowness of the lot, the dwelling's interior staircase would have to be located parallel to the length of the lot to provide enough circulation space between the stairwell and the party wall, further increasing the footprint of the proposed structure. The above-cited facts constitute the practical difficulty in this case.

The subject block is improved with large, single-family rowhouses. Over 50 percent of these houses have lot occupancies and FARs greater than the subject proposal. The remaining houses have lot occupancies and FARs similar to the subject proposal. Accordingly, the requested variances can be granted without adverse area impacts and without impairing the intent, purpose, and integrity of the zone plan for the city.

Agency Referrals and Comments

The Office of Planning referred this application to the following District government agencies for review and comment:

1. Department of Public Works;

2. D.C. Fire Department;

3. Department of Consumer and Regulatory Affairs; and

4. Metropolitan Police Department.

At the time this report was prepared, the Office of Planning had only received comments from the Metropolitan Police Department which voiced no opposition to this application (refer to attachment).

Community Comments

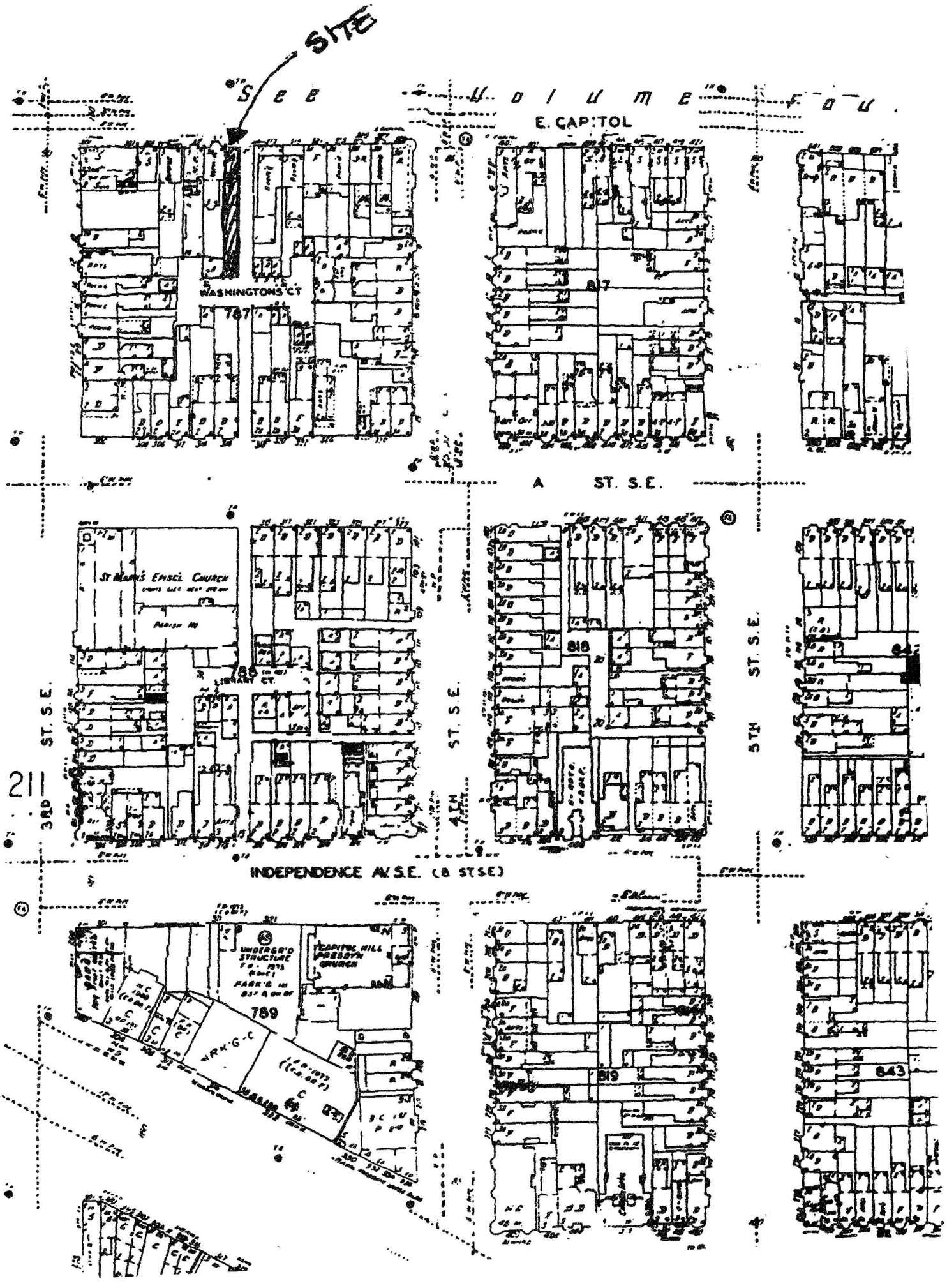
The subject site is located within the boundaries of Advisory Neighborhood Commission (ANC) 6B. The Office of Planning has been unable to determine the position of the ANC in this case.

Recommendation

The Office of Planning is of the opinion that the applicants have met the burden of proof under Sub-sections 3107.2, 403.2, 401.3 and 1203.3 of 11 DCMR. The promulgation of the 1958 Zoning Regulations rendered the subject lot nonconforming regarding lot width. In addition, the existing narrowness of the lot imposes design considerations that increase the length of the proposed building and its lot occupancy. The above-cited facts constitute the practical difficulty in this case. If the proposed garage was not provided with a roof, the applicants would meet the R-4 District FAR requirement and would exceed the allowable lot occupancy by only one percent.

The subject proposal is similar in physical characteristics to other houses in the area. Accordingly, the subject proposal can be granted without impairing the intent, purpose, and integrity of the zone plan for the city. Consequently, the Office of Planning recommends approval of this application.

Attachments


SITE
See Volume Four
E. CAPITOL
WASHINGTONS CT
787
817
A ST. S.E.
ST. MARK'S EPISCL CHURCH
PARISH HO
LIBRARY CT.
786
818
3RD ST. S.E.
4TH ST. S.E.
5TH ST. S.E.
21
INDEPENDENCE AV S.E. (8 ST S.E)
UNDERGR'D STRUCTURE
CAPITOL HILL PRESBYN CHURCH
789
ARK-G-C
819
843