GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: April 22, 2002

SUBJECT: BZA Case # 16854 Variance Request

APPLICATION-IN-BRIEF

Applicant: Mr. & Mrs. Charles Holliday.
315 East Capitol Street, S.E.
Square 787, Lot 35

Relief Sought: Pursuant to 11 DCMR 3104.1 the applicant is requesting an area variance to build a two family dwelling in the R-4 Zone District.

Relief Sought Under: Subsection 401.3

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends the subject application be approved, with a substantial modification so that the proposed building extends no further than approximately 38 feet deep from the northern building line. This would overlap the existing party wall of the adjacent building to the west by 3 feet. OP would also support an extension of the first floor of the proposed new structure to the full 56 feet included in the first modified plan presented by the applicant to the community. The other design which might be acceptable would be an L-shaped building set back from the property on the west. These design changes are proposed in response to concerns regarding adequate air and light to adjacent properties and are consistence with concerns expressed by ANC 6B.

BZA
Case No. 16854
Exhibit No. 58

Board of Zoning Adjustment
District of Columbia
CASE NO.16854
EXHIBIT NO.58

Applicant's Justification:

The applicant is seeking to build a three-story brick structure with a basement apartment, on a very narrow but deep lot, at 315 East Capitol Street, S.E. The site is vacant and is zoned R-4. There is evidence that there was a structure previously on the subject property.

SITE AND AREA DESCRIPTION

The subject site is in the Capitol Hill neighborhood of Ward 6. The neighborhood is generally bounded by Massachusetts Avenue on the north, Pennsylvania Avenue on the south, North Carolina Avenue on the east and 2nd Street on the west. The neighborhood is predominantly residential in character, with commercial support areas along the frontage of Massachusetts Avenue, between 2nd & 4th Streets, and along both sides of Pennsylvania Avenue, from 2nd Street to 17th Street. Most of the area west of 2nd Street is included in the Capitol Hill complex.

The subject site is comprised of Lot 35, which is on Square 787. The lot is only 16 feet in width but one hundred twenty eight (128) feet in depth. The site is currently vacant, although it appears that a small residential structure was formerly on the site.



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16854

DC Office of Planning
March 20, 2002

Scale 1:969

25 0 25 50 Feet

Attachment 1

AREA ZONING

The subject site is zoned CAP/R-4. The R-4 district is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial numbers of conversions of the dwellings into dwellings for two are more families. The Zoning Regulations, **§1200. 1 The Capitol Interest (CAP) District** is established to promote and protect the public health, safety and general welfare of the U.S Capitol Precinct and the areas adjacent to the U.S. Capitol, in an manner consistent with the goals and mandate of the United states Congress as set forth in the Act, Master Plan for Future Development of Capitol Grounds and related areas and in accordance with the plan submitted to the Congress.

> **1200.2** The land use controls embodied in the Zoning Regulations for the land adjacent to the U.S. Capitol should reflect the importance of the area to the District of Columbia and the nation.
>
> **1200.3** The Capitol Interest (CAP) District, controlling land use as well as height and bulk, shall provide sufficient controls for the areas south of the U.S. Capitol and the historic residential district to the east of the U.S. Capitol.
>
> **1200.6** The list of permitted uses contained in this chapter shall include only those uses, which would have very limited external impacts.

1201Use Regulations. 1201.2 The following uses shall be permitted as a matter-of-right:

(a) In the CAP/R-4 District, any use permitted as a matter-of-right in the R-4 District.

APPLICANT'S PROPOSAL

The applicant originally proposed to build a three-story, two-family dwelling with a basement apartment, and a one-car garage on a vacant lot at 315 East Capitol Street, S.E. The applicant plans to reside on the upper floors and rent the basement apartment. In order to accomplish his objectives, the applicant needed two variances from the Board, one from the lot occupancy requirements and another from the minimum lot width requirements.

On March 12, 2002, the applicant made a presentation to Advisory Neighborhood Commission (ANC) 6B regarding the proposal to construct a house on the subject lot. There was some opposition to the project raised at the ANC meeting. It is the applicant's

position that most of the opposition was directed towards the percentage of lot occupancy (which was 76.7%, in the original application, including a garage) and the effect of restricting sufficient light and air from entering the existing structure on the west side of the proposed house. In response to the community concerns, the applicant modified the plans and reduced the variances needed to just one, (minimum lot width). The applicant significantly reduced the percentage of lot occupancy to the 60 percent permitted in the R-4 district.

The applicant recently met again with the ANC6B and as a result, further modified the plans to address community concerns. The revised plans include a three-story structure, with a basement. Most of the building would extend 38-feet from the north building line, to 3 feet beyond the party wall of the adjacent structure on the west. There would also be a 21-foot garage at the southern-end of the property. The lot area of the subject property is 2,048 square feet. The area devoted to building would be 1,232 square feet. The modified structure would consume approximately 44 percent of the subject lot.

The subject lot is exceptionally narrow, being only 16 feet in width, but there are other lots in the Capitol Hill Neighborhood zoned R-4 and less than 18 feet in width. One such lot (Lot 28) is on Square 787, the same square as the subject lot. The subject lot is very deep, one hundred and twenty eight feet (128) in depth. Under the applicant's revised proposal, a fifty 50-foot rear yard would be provided after the construction of the proposed house and garage.



The width of the subject lot is narrower (16 feet) than the minimum lot required in the R-4 district (18 feet). Any expansion options are constrained because there is an existing dwelling on the west side and a public alley on the east side of the subject property.

The prior owner of the property submitted an application to the Board (BZA No. 15476) in 1990 requesting approval of three variances (i.e., lot width, lot occupancy and floor area ratio). On March 20, 1991, The Board at that time voted 4-0 to approve the application for the referenced three variances. The Architect of the Capitol, the Office of Planning and numerous neighbors, especially the neighbors on either side of the subject property, Roy Mason (313 East Capitol Street) and James and Olivia Jones (317 East Capitol Street) also supported the prior variance request.

ELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan, Ward Six Element established objectives for stabilizing and improving the quality of residential neighborhoods throughout the ward. **Comprehensive Plan, Section 1705.1 (a)** and **(b)** outlines two objectives for housing in the ward: (a) ***To maintain and strengthen the quality and construction of housing in various neighborhoods throughout Ward 6, seek to provide incentives for infill housing*** **constructed in an architectural style and of material compatible with the predominant Fairlawn brick row housing;** and **(b)** ***To stimulate production in Ward 6 of new and rehabilitated housing,*** particularly in the Anacostia Historic District, Fairlawn and Woodlawn neighborhoods, ***to provide housing opportunities to accommodate and allow for residential growth and stability according to area needs, encourage row house construction compatible with existing neighborhoods***, discourage the development of additional multi-family housing in the Fairlawn community and instead provide i9ncentives to rehabilitate existing multi-family units.

The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Moderate Density Residential Land Use Category***. Row houses and garden apartments are the predominant uses in this category. Low-density housing may also be included as a permitted use.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 3104, the applicant is requesting an area variance from **Section 401.3**, the minimum lot width requirements in the R-4 zone district.

> **§401.3 except as prescribed in the other provisions of this chapter, the minimum dimensions of a lot in a Residence district shall be as set forth in the following table:**
>
> **Row dwellings and flats, in the R-4 district shall have a minimum lot area of 1800 square feet and a minimum lot width of 18 feet.**
>
> The width of the subject lot is narrower (16 feet) than the minimum lot required in the R-4 district (18 feet). There are no opportunity to increase the subject lot because there is a public alley to the east of the property and a residential structure to the west.



DOES THE APPLICATION MEET THE VARIANCE TEST

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

Yes. The subject lot is exceptionally narrow, being only 16 feet in width and one hundred and twenty eight feet (128) in depth. Any expansion options are constrained because there is an existing dwelling on the west side and a public alley on the east side of the subject property. This situation is not unique in the Capitol Hill community, because there are other small lots. However, most of the other small lots are not vacant.

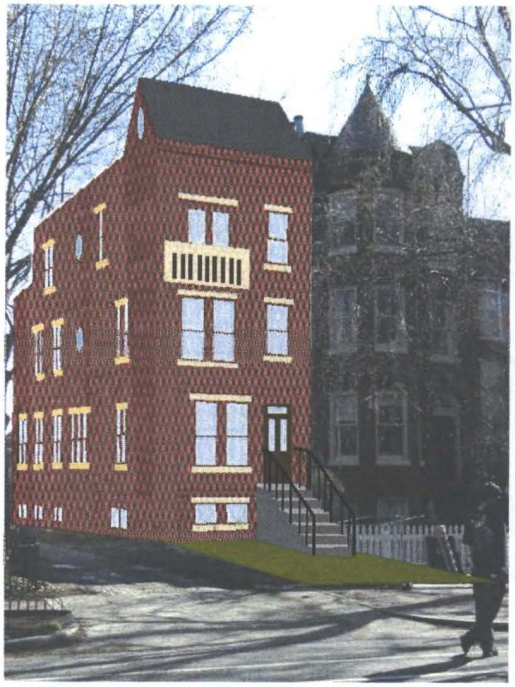
By reason of the aforementioned unique or exceptional condition of the property, will the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property?

Yes. The strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties upon the owner of the property, if the Board strictly enforced the Zoning Regulations. The subject lot, (with a narrow width that predate the Zoning Act of 1958) is narrower (16 feet in width) than the minimum lot width permitted in the R-4 district. Any expansion options are constrained because there is an existing dwelling on the west side and a public alley on the east side of the subject property. It is difficult to set the building back from the existing house to the west because of the narrowness of the lot. Therefore, the lot width does present a practical difficulty upon the owner of the property to develop an adequate dwelling on the lot.

Will the variance cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

No. If the Board were to grant the requested relief of two (2 ft.) from the minimum required lot width, in the R-4 district, (18 ft. minimum required) the relief would not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map, only if the plan is modified as proposed in this report.

The construction of the proposed residential structure on the subject vacant lot will have an impact on the amount of light that enters the existing structure from the east side. The structure at 313 East Capitol Street is a three-story building with a basement partially above ground.



There are windows on an open court at the south side of 313. This portion of that building is indented approximately 4 feet and is mostly windows on brick columns at all four levels. The south rear of 313 is developed with a solid brick back and offset angles to the southeast and to the southwest. Both of the angled areas have one set of windows on each of the four floors



COMMUNITY COMMENTS

On March 12, 2002, at its regularly scheduled and properly noticed meeting, with nine Commissioners present (seven being a quorum) Advisory Neighborhood Commission 6B voted unanimously to oppose all requests for variances contained in BZA Case 16854. The opposition was based on the failure of the applicant to demonstrate any hardship and the unavoidable negative impact the construction would have on air and light of neighboring properties. In response to the community concerns raised at the ANC

meeting, the applicant modified the plans and reduced the variance needed to just one, the minimum lot width requirements. After another meeting ANC6B (April 2001), the applicant further modified the plans to include a building area (principal structure & garage) of 1,232 square feet, or approximately 44 percent of available lot occupancy, far below the 60 percent lot occupancy permitted in the R-4 district.

OP RECOMMENDATIONS

After reviewing the application submitted by Mr. & Mrs. Charles Holliday, requesting two variances; one from the maximum lot occupancy (60%) provisions and the second one from the minimum lot width in the R-4 District, the Office of Planning recommends that the Board approve the application with modifications. The Office of Planning finds that the applicant has satisfactorily met the variance tests specified in **Section 3103.2, sub-section 401.3** and **sub-section 403.2,** and concluded the application if modified will not cause substantial detriment to the public good and if granted, it will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Office of Planning suggests the following compromise be reached between the applicant and the neighbors who expressed concern regarding the ability of air and light to enter adjacent structure.

The proposal submitted by Mr. & Mrs. Holliday, to construct a three-story two-family dwelling with a basement and a garage, at 315 East Capitol Street, S.E., Square 787, Lot 35, is a an appropriate use, in accordance with District of Columbia Land Use Policy and Zoning Regulations. The Comprehensive Plan depicts the subject site as being in the Moderate Density Residential Land Use Category where row houses are a permitted use. Further, the site is zoned R-4, which is designed to include those areas now developed primarily with row dwellings. The applicant has a legal right to build a house on the subject lot. By contrast, the neighbors should have reasonable expectations that the proposed new construction will not unduly restrict adequate air and light from entering neighboring dwellings. The applicant has modified the building plans twice, based on concerns raised by members of the community. First, the applicant reduced the proposed principal structure, from a depth of 77 feet to 56 feet. After further meetings with the community, the applicant revised the plans to reflect the following:

- Reduce the top floor length to 38 feet from the north building line.
  -The top floor would overlap the party wall to the west by 3 feet.
  -Replace the southern section of the top floor, (approximately 18 feet) with a deck. The deck would be on top of the second floor.
  -The 18-foot southern portion of the new building would be 24 feet in height, thereby allowing some air and light to enter the adjacent building to the west.
- Create a subterranean storage area either under the cellar or under the garage.