GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Rec'd. 5/8/02 @ 1:00 P.M. EB

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: May 14, 2002

SUBJECT: BZA Case 16867 Special Exception Request

APPLICATION-IN-BRIEF

Applicant: R. Bradley Runyan.
161317 21st Street, N.W.
Square 0097, Lot 0060

Relief Sought: Pursuant to 11 DCMR 3104, the applicant is requesting special exception relief to build an addition to a single-family dwelling, that does not meet the lot occupancy provisions, in the DCOD/R-5-A Zone District.

Relief Sought Under: Subsection 223, 403, 2001.3 and 411.11

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

BZA Case No. 16867 Exhibit No. 23

Applicant's Justification:

The applicant is seeking special exception relief to build a roof deck addition to a single-family dwelling. The subject structure is a nonconforming structure in the R-5-B district and any addition to the structure will increase the nonconformance. The applicant also needs relief from the setback requirements to build a penthouse staircase.

SITE AND AREA DESCRIPTION

The subject site is in the Dupont Circle neighborhood of Ward 2, located at 1317 21st Street N.W. The premise is on the east side of 21st Street, approximately mid-point on

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CASE NO.16867
EXHIBIT NO.23



the block. O Street generally bounds the neighborhood on the north, N Street is to the south, New Hampshire Avenue is on the east and 21st Street is to the west.

The premises fronts on the west side of 21st Street, at about the mid-point of the block. There is a 15-foot public alley to the rear, or east of the subject dwelling, and attached row dwellings are to the north and south of the referenced dwelling.

The subject building was lawfully constructed in 1921, but does not fully comply with current regulations, the Zoning Act of 1958. The percentage of lot occupancy permitted in the R-5-B district is 60 percent. The subject structure occupies 67 percent of the lot. The structure is in the DCOD (Dupont Circle)/R-5-B District and the building is a contributing structure to the Dupont Circle Historic District.


21st
Hopkins St
O St NW
O St NW
R-5-B
C-3-C
1317 21st Street, NW
SQR0097
21st St NW
New Hampshire Ave NW
SP-2
N St NW
N St NW
R-5-D
R-5-D
C-3-C
21st St NW
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. 16867
DC Office of Planning
April 17, 2002
Scale 1:1224
25 0 25 50 75 100 Feet
Attachment 1

AREA ZONING

The subject dwelling is in the DCOD/R-5-B zone district. The R-5 districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through 360, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5-B district is a moderate height and density zone.

The purposes of the Dupont Circle Overlay District include the following:

(a) To require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; and to ensure a general compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone;

(c) To enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location and density of commercial and residential development; and

(d) To ensure compatibility of development with the Comprehensive Plan.

APPLICANT'S PROPOSAL

The applicant proposes to construct a 310 square foot roof deck addition and spiral staircase to access the roof deck. A small roof penthouse will enclose the staircase. Due to the design of the existing historic house, the stair penthouse will not meet the required setbacks for side and rear yard. There will be a six feet setback on the south of the structure and 3.5 feet from the rear yard.



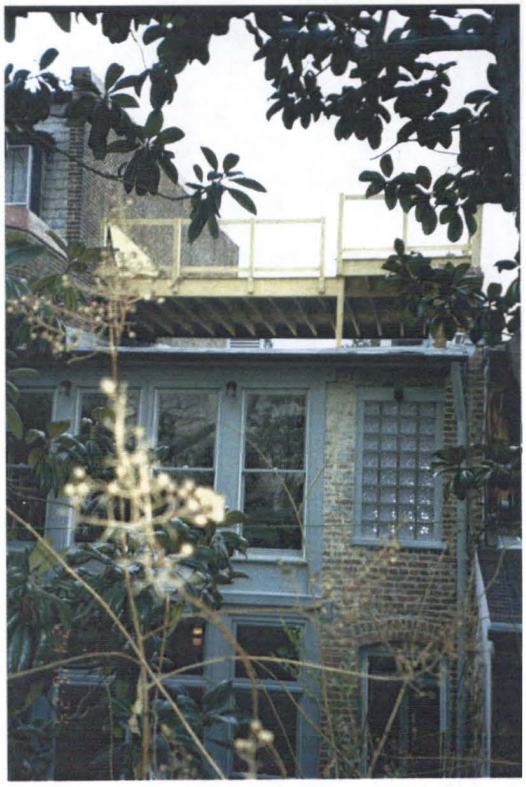
RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. Section 1104.1 (h) outlines a policy to encourage the maintenance of existing stock and, where appropriate, the rehabilitation and new construction of detached and row housing. The subject neighborhood is characterized as being in the ***Moderate Density Residential Land Use Category on the Generalized Land Use Map***. There are mixed-use areas to the north, along P Street, (low density commercial/medium density residential) and to the south, along N Street & New Hampshire Avenue, (high density commercial/residential). New Hampshire Avenue, which is east of the subject area, is the western-edge of the Downtown Core.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 3104, the applicant is requesting relief from §223 to construct an addition to a one-family dwelling that does not meet the lot occupancy provisions of §403. Additionally, the applicant is also requesting special exception relief from the penthouse set-back requirements in the R-5-B district under sections 411.11 (addition to one-family dwellings and flats), 403 (Percentage of Lot Occupancy) and 411.11(Roof Structures (R), in the R-5-B zone district.

§223.1 - An addition to a one-family dwelling or flat, where a flat is permitted, that does not comply with all the requirements of §§401, 403, 405 or 406 of this title shall be permitted if approved 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 of or enjoyment of any abutting or adjacent dwelling or property; in particular;

(a) Will the proposed addition affect unduly the availability of light and air to neighboring properties?

No. The proposed addition will consist of an open roof top deck and an enclosed spiral staircase that will be added to the rear of the

second floor of the subject dwelling. The construction of the roof deck, which will be mostly open, will not affect unduly the availability of light and air to neighboring properties.

(b) Will the addition unduly compromise the privacy of use and enjoyment of neighboring properties?

No. The proposed addition will not unduly compromise the privacy of use and enjoyment of neighboring properties. Most of the houses on the 1300 block of 21st Street (north side) are row dwellings, built on the same sight line from the alley. Further, there are garages fronting on the alley, in the rear of most of the dwellings on the block. These factors tend to maximize privacy of the outside use of private property on the block. Many of the dwellings on the block already have rooftop or rear extensions.

(c) Will the addition, together with the original building, as viewed from the street, alley, and other public way, substantially visually intrude upon the character, scale and pattern of houses along the street frontage?



No. The addition, together with the original building, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale and pattern of houses along the street frontage. The proposed addition will not be visible from 21st Street, or the front of the property. Because the rear of the buildings are built on a consistent sight line as the other buildings on the block, view of the addition will be limited from the public alley to the rear. There is a very large evergreen and magnolia tree in the back yard of the subject property, and another large tree in

the neighboring yard, to the east, which adds to the privacy of use by neighbors on the block as well as the applicant.



(d) In demonstrating compliance with ¶¶ (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawing sufficient to represent the relation of the proposed addiction to adjacent buildings and views from public ways.

The applicant has provided OP with plans, photographs, elevation and section drawing sufficient to represent the relation of the proposed addiction to adjacent buildings and views from public ways. The applicant will use these materials before the Board to demonstrate compliance with this subsection of the regulations.

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.

The subject dwelling is a historic structure, which was constructed in 1921 and thus, predates the passage of the Zoning Act of 1958. The structure is in the R-5-B district and is a nonconforming structure because it occupies 67 percent of the lot. Lot occupancy in the R-5-B district is permitted up to 60 percent of lot coverage. The subject dwelling and garage is currently 7 percent above the permitted lot occupancy. However, the Special Exception provisions permit lot occupancy of 70 percent.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

Yes. The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The proposed roof top addition and the spiral penthouse staircase will not add to the nonconformity of the subject structure. The penthouse enclosure will not meet the necessary setbacks for side and rear yard because the design of the original structure eliminates the south party wall (the best location) from consideration as the location for the penthouse.

The applicant is seeking the opportunity to have maximum use of the subject property, by creating an outside recreation space. Many of the dwellings on the 1300 block of 21st Street (north side of block) have either roof decks or back porch additions.

Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

No. The special exception can be granted without adversely affecting the use of neighboring property in accordance with the Zoning Regulations and Maps. Most of the neighboring properties, as was the subject property, were constructed prior to the adoption of the Zoning Act of 1958. Many of these structures do not fully comply with the current regulations. One of the intended purposes of Section 223 of the regulations is to provide modification relief to owners of such properties, who are otherwise limited from improvements or adding additions to their property. It is likely that more applications for additions to the amount of livable space in dwellings will be received from owners of properties with inadequate living space.

COMMUNITY COMMENTS

At its meeting on April 10, 2002, Advisory Neighborhood Commission (ANC) 2B, considered BZA application # 16867, submitted by R. Bradley Runyan for two special exceptions 1) to construct a roof deck not meeting the lot occupancy requirements; and 2) to allow relief from penthouse set-back requirements in the R-5-B district. With a quorum of seven commissioners in attendance, the ANC voted unanimously to approve the application.

AGENCY COMMENTS

The new roof top addition and the staircase penthouse proposed to the rear of 1317 21st Street, has been reviewed conceptually by the Historic Preservation Office staff, which has indicated to the applicant a willingness to approve the permit, contingent with the necessary zoning approval. The permit would not require review by the Historic Preservation Review Board, but will be approved by the Historic Preservation staff.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by R. Bradley Runyan, requesting a special exception to build a roof top addition and a staircase penthouse to the rear of the structure at 1317 21st Street, NW, the Office of Planning recommends that the Board **approve the application**. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, subsections 223, 403, 2001.3 and 411.11, and concluded the application 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.