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: June 11, 2002

SUBJECT: BZA Application #16886 (330 8th Street, S.E.)
Square 924, Lot 826

APPLICATION

The application by Stephen Sweeney (applicant) requests, pursuant to 11 DCMR 3103.2, variances from the non-conforming property requirements of §2001.3, the lot occupancy requirement of §403.2, and the side yard requirement of §405.9, to allow the enlargement of a non-conforming structure in the R-4 District.

PROPOSAL

The property currently houses a two-story, single-family, semi-detached house and the applicant proposes to enlarge the existing building through the construction of a rear addition. The additional will allow for the construction of a laundry room, powder room, and kitchen on the first floor and a bathroom and bedroom on the second floor.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the variances be **APPROVED**. The proposed expansion of the building will alleviate a difficulty to the applicant that was not self-created. The building was constructed in the 1870's and does not meet many of the current Zoning requirements regarding the lot and the structure and to make reasonable use of the property, variances are required. The intent, purpose, and integrity of the zone plan will be upheld as the use is consistent with the zoning of the property, light and air is provided even with the reduced yard requirements, and the addition will not affect the larger community.

BZA
Case No. 16886
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16886
EXHIBIT NO.26

SITE AND AREA DESCRIPTION

The subject property is located in the Stanton Park neighborhood at 330 8th Street, S.E. (Attachment 1). The site is developed with semi-detached, house with a parking garage in the rear. To the east of the property is a 30-foot wide alley.

The surrounding neighborhood is predominantly two-story, row houses with garages in the rear. To the west of the site is the Hine Junior High School.

ZONING REQUIREMENTS

The subject site and the surrounding area is in the R-4 District, which permits row dwellings and flats, with a maximum lot occupancy of 60% for residential use, lot widths of 18-feet, a height of 3 stories or 40-feet, and a minimum lot area of 1,800 square feet.

HISTORIC PRESERVATION

The subject property is within the Capitol Hill Historic District and was reviewed by the Historic Preservation Review Board (HPRB) on February 2, 2002. The HPRB granted concept approval and delegated the authority for final approval to the Historic Preservation staff in the Office of Planning as part of the review process.

ANALYSIS

The subject property is a long (approx. 109 feet), narrow (approx. 16-feet), lot. Unlike the majority of the other lots in the area that are long, its width is much narrower. The majority of the houses in the area are row houses but the house on the subject site is classified as a semi-detached unit due to the 1.64 feet side yard on the northern side. Due to the classification as a semi-detached unit, many of the yard requirements are greater than those of row houses as shown on Table 1.

Table 1

	Allowed/Required (Semi-detached)	**Allowed/Required (Row-houses)**	**Provided**	**Variance**
Lot Area	3,000 sq. ft.	1,8000 sq. ft.	1,780 sq. ft.	n/a
Lot Width	30 ft.	18 ft.	16.315 ft. (average)	n/a
Lot Occupancy	40%	60%	Existing – 54.85% Addition – 5.85% **Total – 60.70%**	20.7%
Side Yard	0 ft	0 ft and 8 ft.	Existing - 0 ft. and 1.64 ft. Addition - 0 ft. and 3.3 ft.	4.7 feet
Rear Yard	20 ft. minimum	20 ft. minimum	48 ft.	n/a

The house on the subject property is old and is experiencing termite and structural problems that require the demolition of a portion of the existing house. Any rebuilding on the demolished area requires that the new construction meet the area requirements. Due to the narrowness of the lot, the new addition

would be confined to an area 6-feet wide, which obviously would be insufficient for the proposed bedroom and bathroom on the upper level and kitchen and porch on the lower level.

§2001 – Nonconforming Structures Devoted to a Conforming Use

The house is a non-conforming structure built in 1870's, before the modern Zoning Regulations were enacted, and as shown in Table 1, exceeds the minimum lot area, lot width, and side yard requirements, and the maximum lot occupancy of the R-4 District. The R-4 District permits a maximum lot occupancy of 40% and a minimum side yard of 8 feet. The proposed expansion will increase the lot occupancy to 60.7% and reduce the side yard to 3.3-feet, thereby increasing both non-conformities. The existing side yard is so narrow, 1.64 feet, that it cannot even be used as a walkway. Due to these circumstances, a variance from Section 2001.3 is required.

> **"2001.3 Enlargements or additions may be made to the structure; Provided, that the following requirements shall be met:**
>
> **(a) The structure shall conform to percentage of lot occupancy requirements; and**

The structure cannot meet this requirement as it already exceeds the lot occupancy requirements by 14.85%.

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

The addition is for residential use and therefore conforms to the use requirement. The side yard requirement for the structure is currently exceeded and therefore any addition will further exceed the requirement.

> **(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."**

The existing structure does not meet a number of the yard requirements and therefore is non-conforming. However, the addition will only further deviate from the lot occupancy and side yard requirements and will not create any new non-conformity.

Variances

The standards by which the BZA should approve a variance is set forth in §3103.2 of the Zoning Regulations. The following demonstrates how these standards are met regarding the requirements for Sections 2001.3, 403.2, and 405.9:

> **"The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;"**

The subject property is unique by virtue of exceptional circumstance as it is one of the only properties in this block that is a semi-detached unit although it functions as a row house. The Zoning Regulations require different yard standards, and the narrowness of the site and the structure already exceeds a number of the yard requirements. However, the addition will only increase the lot occupancy and side yard requirements. The property is also unique in relationship to the other properties and structures in the community as most of the units are row houses and are on larger lots, are allowed greater yard requirements, and therefore can accommodate larger units.

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

The property was developed prior to the requirements of the modern Zoning Regulations and does not meet the majority of the yard requirements. Due to its long, narrow shape and the yard requirements, the development of the site would only accommodate a small structure. Therefore, even if the entire structure ware to be demolished, the replacement house would be very small and render the property virtually undevelopable without any variances. The applicant is experiencing termite problems which requires that a portion of the existing house be demolished and the reconstruction is required to meet the yard requirements. This presents an exceptional difficulty, as the addition would be very small and not worthwhile.

> **"The variance will not cause substantial detriment to the public good and will not impair *the intent, purpose and integrity of the zone plan* as embodied in the Zoning Regulations and Map."**

The proposed variance requests will allow the applicant to extend the building into the rear yard and increase the lot occupancy and reduce the side yard. Due to the age of the house and the narrowness of the lot, the house is much smaller than many in the area. The variances will allow the applicant to solve his termite problem (which could be detrimental to his neighbors if it is not controlled) and also allow him some additional space. The proposed addition will not be visible from 8th Street, and therefore will not affect the historic character of the area. The second story addition will remain below the height of the row houses in the area. The proposed expansion will not affect the light and air of adjacent buildings as the southern portion will continue to be a party wall. The sidewall of the adjacent building to the north has windows but they will not be blocked, as that portion of the building is set back from the property line. Additionally, a portion of the second floor of the proposed building will be setback. Therefore, the addition will not adversely impact the surrounding community.

COMMUNITY COMMENTS

The subject property is within ANC 6B which reviewed the application at its meeting on May 14, 2002 and voted to approve the requested variances.

SUMMARY AND RECOMMENDATION

The proposed expansion of the building will alleviate a hardship to the applicant that was not self created. The building was constructed in the 1870's and does not meet the current Zoning Requirements regarding the lot and the structure. Therefore, to make reasonable use of the property, the addition is needed and can be constructed in the rear yard with no adverse impact.

The requested variances for the expansion of a non-conforming building, and from the lot occupancy and side yard requirements can be granted without causing any "substantial detriment to the public good" as the addition is to the rear of the site where it is not visible. The intent, purpose, and integrity of the zone plan will be upheld as the use is consistent with the zoning of the property, light and air is provided even with the reduced yard requirements, and the addition will not affect the larger community as it is not visible from the adjoining street. The Office of Planning therefore recommends that the Board of Zoning Adjustment **APPROVE** the requested variances.

ATT:

1 Aerial Photograph
2 Historic Preservation Staff Review and Recommendation

AA/mbr



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. #16886

DC Office of Planning
May 29, 2002

Scale 1:1146

25 0 25 50 75 100 Feet

Attachment 1

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**330 8th Street, SE**		Agenda
Landmark/District:	**Capitol Hill Historic District**	X	Consent Calendar
			Concept Review
Meeting Date:	**February 7, 2002**	X	Alteration
H.P.A. Number:	**02-125**		New Construction
Staff Reviewer:	**T. Luke Young**		Demolition
			Subdivision

Owners Stephen Sweeney and Amanda Slater and their architect David Conrad seek approval for a two-story rear addition to a two-story frame post Civil War era Italianate rowhouse. The new construction would not be visible from the street.

The applicants propose to remove an existing non-contributing one-story rear addition and in its place construct a 330 square foot addition. This would expand the existing footprint of the building by less than 90 square feet. Its scale and fenestration pattern is appropriate for a rear addition. Fiber-cement siding, metal standing seam roof, wood windows and trim complement and reflect the overall character and design vocabulary of the existing historic structure. The proposed addition is a creative response to the design challenges of adapting historic structures for contemporary use.

The staff recommends that the Review Board approve the application 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.