GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: July 2, 2002

SUBJECT: BZA Application 16893 - Request filed by Carol B. and William F. Stapp for five **area variances** for the proposed renovation, building addition to a one-family dwelling, and construction of a new garage at 611 E Street, S.E.

APPLICATION
Application of Carol B. and William F. Stapp for:

1) **A variance to §2001.3(a) and §2001.3(c) of Title 11 DCMR,** nonconforming structures devoted to conforming uses;
2) **A variance to §401 of Title 11 DCMR,** minimum lot dimensions;
3) **A variance to §403 of Title 11 DCMR,** maximum percentage of lot occupancy in residential districts; and
4) **A variance to §406 of Title 11 DCMR,** minimum open court area in residential districts.

for the property on the south side of E Street, S.E., 611 E Street, Square 877, Lot 836. The property is zoned R-4, row dwelling, and is located within the Capitol Hill Historic District.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requests for variances, as submitted by the applicants.

PROJECT DESCRIPTION
The applicants propose to renovate an existing two-story frame 19th century row house, including demolishing two one-story building additions to the rear of the house consisting of 319 square feet, constructing one two-story building addition in their place, and demolishing and rebuilding the detached one-car garage at the rear of the property. The application states that one of the building additions, housing the kitchen and eating area, was constructed around 1900. The other addition, according to the applicant, serves as a utility room housing the furnace and the laundry

BZA Case No. 16893 Exhibit No. 25

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facilities and was constructed in the 1930's. The proposed two-story building addition, 18.3 feet in height, consists of a footprint that is 43 square feet larger than the combination of the two existing building additions. The combined renovation and reconstruction will result in a two bedroom row house with 2 full and one half baths.

The proposed one-car garage is 33 square feet larger than the existing one to allow for a wider garage (11.17 foot exterior width versus 9.2 feet) to facilitate the opening of car doors within the garage on one side of the car. It is also the maximum width possible for the garage because the width of the rear of the lot is 11.17 feet, and will eliminate the existing pedestrian access to the rear of the subject property from the alley.

AREA AND PROPERTY DESCRIPTION

The property consists of Lot 836 in Square 877, in the South East quadrant of the District. It is located on the south side of E Street, between 6th Street and F Street Terrace, within the Capitol Hill Historic District. The subject property is 1,344 square feet in area. It is improved with a two-story row house with a front porch and a 1.8 foot wide walkway under the second story of the house on the west side of the property, that when combined with the walkway on the east side of the house to the west, provides pedestrian access to the rear of the two properties. Pedestrian access is also provided from the alley via a 1.97-foot wide walkway into the rear yard. A 6 to 8-foot high fence encloses the rear yard. Vehicular access to the garage is via the alley to the rear of the property.

The surrounding area is primarily residential in character, but also includes some office and institutional uses. To the north, across E Street, are row houses and apartments; to the east and west are row houses; and to the south, around the alley, are row houses and a church (Christ Church). The row house to the east, 613 E Street, is currently undergoing renovation and expansion. It was the subject of BZA Application No. 16749, which granted a special exception for lot occupancy requirements under Section 233 on July 24, 2001.

The area has been identified on the Generalized Land Use Policies Map as moderate density residential. This category is qualified by the text, "Row houses and garden apartments are the predominant uses; may also include low density housing."

EXISTING ZONING

The property is located within the R-4 district, row dwellings, conversions, and apartments.

R-4 Row Dwellings, Conversions, and Apartments District

The R-4 district is "designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) families."

RELIEF REQUESTED:

Variance to §2001.3 - Nonconforming Structures Devoted to Conforming Uses
Section 2001.3 states the following:

> *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*
> *(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.*

The applicants are requesting a variance to the percentage of lot occupancy requirement, which will increase the nonconforming aspect of the structure. The variances are necessary in order for the applicants to replace building additions in poor condition with one that conforms to today's standards for living and construction because the proposed structure requires variances to lot occupancy and minimum open court requirements. In order to be able to obtain these variances (lot occupancy and open court), variances must first be obtained from §2001.3 (a) and §2001.3 (c) so that the applicants can expand the size of the dwelling and the garage. These expansions will allow the applicants to update and modernize the existing row dwelling, which is more than 100 years old. The Comprehensive Plan, under Section 1705.1, states that the objectives for Ward 6 include *"(t)o maintain and strengthen the quality and construction of housing..."* and *"(t)o stimulate production in Ward 6 of new and rehabilitated housing..."* Therefore, the granting of variances from §2001.3 (a) and §2001.3 (c) will not be inconsistent with the Comprehensive Plan.

Variance to §401 – Minimum Lot Dimensions in Residential Districts
The existing lot predates the May 13, 1958 adoption of the Zoning Regulations. Section 401.3 requires a minimum lot size of 1,800 square feet and a minimum lot width of 18 feet. The subject property contains 1,344 square feet, 456 less than the minimum. It is also between 11.17 and 17 feet in width, or between one and 6.83 feet narrower than the minimum requirement. As the lot is existing and developed, and all adjoining lots are similarly developed, there is no opportunity to expand the area of the lot beyond its current boundaries. Without the granting of this variance, the applicants cannot pursue the construction of the new building addition and garage as proposed.

Variance to §403 – Percentage of Lot Occupancy in Residential Districts
Section 403 sets forth the maximum percentage of lot occupancy permitted by zoning district and use. Section 403.2 limits lot occupancy within the R-4 district for row dwellings to a maximum of 60 percent. The existing lot occupancy is 73 percent. The applicants propose to increase it to 79 percent to increase the footprint of the dwelling by 43 square feet as a result of the reconstruction of the rear building additions and modernization of the existing dwelling. In addition, a reconstructed garage at the rear of the property will increase the lot coverage by 33 square feet. This is because the applicants propose to increase the exterior width of the garage from 9.2 feet to 11.17 feet to allow for the opening of a car door within the garage. The total lot occupancy will increase from 73 percent to 79 percent, or 76 square feet. As a result, the lot

occupancy will be 255 square feet above the maximum 60 percent permitted by the zoning district. Due to the small size of the lot (1,344 square feet), and the narrowness of the lot (17 feet at the front and 11.17 feet at the rear), the subject property is both small and narrow, with the resulting maximum lot occupancy permitting a building footprint of only 806.4 square feet.

In addition the proposed building addition is to be located on the east side of the property, adjoining the common wall with the row house to the east. The rear wall of the proposed addition will be flush with the rear wall of the building addition on the property to the east, which has no windows or openings facing the subject property. The row house to the west has a rear building addition that is located on the west side of that property, with windows that face east, toward the subject property, and the side-by-side rear gardens. Therefore, the granting of this variance will not result in the obstruction of light and air to either of the adjoining properties to the east or west.

Variance to §406 – Courts in Residential Districts
Section 406.1 requires a minimum of 4 inches per foot of height of court, but not less than 6 feet for an open court. As the height of the proposed structure is 18.3 feet at the rear, the minimum required open court width is 6 feet. The applicants propose a minimum width of 5 feet, resulting in the need for a one-foot variance. Due to the narrowness of the lot, which is only 17 feet wide in the area in which the proposed building addition is to be constructed, the applicant is constrained by the width of the lot in the design of the proposed building addition. As the variance is for only one foot and the minimum width required for open courts is provided, the granting of this variance should not adversely affect adjoining properties. The proposed open court is also wider than the minimum 4.7-foot width provided today, and is wider than the existing 3.67-foot wide court on the property to the west.

COMPREHENSIVE PLAN

The Comprehensive Plan states that one of the objectives is *"(t)o maintain and strengthen the quality and construction of housing in the various neighborhoods throughout Ward 6,..."* and *"(t)o stimulate production in Ward 6 of new and rehabilitated housing..."* §1705.1(a).

COMMUNITY COMMENTS

ANC 6B considered the project at their meeting of June 11, 2002, and voted 8-0 to support the application for variances to lot occupancy and open court requirements.

HISTORIC PRESERVATION REVIEW BOARD

The Historic Preservation Review Board conceptually reviewed the application for the alteration of the row house and garage (H.P.A. Number 02-122) on February 7, 2002, and approved it on their consent calendar as *"consistent with the purposes of the Historic Preservation Act and with the character of the Capitol Hill Historic District, and pending the applicants securing a variance, delegate final approval to staff."*

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variances. OP concludes that the requested variances meet the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the following:

1) **A variance to §2001.3(a) and §2001.3(c) of Title 11 DCMR,** nonconforming structures devoted to conforming uses;
2) **A variance to §401 of Title 11 DCMR,** minimum lot dimensions;
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AA/sjm$_{AICP}$



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16893

DC Office of Planning
June 24, 2002

Scale 1:1577

25 0 25 50 75 100 Feet

Attachment 1