GOV ЈMENT OF THE DISTRICT OF COL BIA
OFFICE OF PLANNING

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Office of the Director

D.C. Office of Zoning
2002 JUL 16 PM 5:24

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: July 10, 2002

SUBJECT: **BZA Case #16900, Special Exception and Variance Request**

I. APPLICATION-IN-BRIEF

Applicant: Application of Jean-Paul Gautier and Kofo MacGregor-Gautier, owners
1426 Meridian Place, NW, Washington DC 20010
Square 2678, Lot 13

Zoning: R-5-B

Relief Sought: Pursuant to 11 DCMR §§223.1 and 3104, the applicant is requesting special exceptions to construct a non-conforming addition devoted to conforming uses. Essentially no extension of the existing building footprint would be otherwise possible, as the property is very close to the permitted lot occupancy and rear yard setback.

In their application, the owners request both a special exception and variances; it is the opinion of OP that regulations permit all zoning issues to be addressed by BZA review of special exceptions.

Proposal: The applicant wishes to construct a stairwell addition to the rear of the existing conforming dwelling. The Zoning Administrator and OP have determined that construction of the addition would:

- conform for use, but would create non-conformities related to lot occupancy, rear yard setback, and open court width; and therefore
- would require special exceptions pursuant to §223.1.

BZA
Case No. 16900
Exhibit No. 21

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

III. AREA AND SITE DESCRIPTION (see Attachment I)

Square 2678 in the Columbia Heights neighborhood of Ward 1 is bound by Meridian Place to the north, 14th Street to the east, Newton Street to the south and an alley to the west. This section of Meridian Place is predominantly row houses. To the north and west are a variety of row houses and condo and rental apartment buildings. Directly to the south are an alley, an auto repair shop, a supermarket, and apartment buildings. There is mixed residential / retail along 14th Street. Fire Engine Company 11, the Tivoli Theatre site and the Columbia Heights Metro Station are located on 14th Street to the south.

Board of Zoning Adjustment
District of Columbia
CASE NO.16900
EXHIBIT NO.21

The property at Lot 13, 1426 Meridian Place, NW is owned by Jean Paul Gautier and Kofo MacGregor-Gautier. The property is developed with a two story plus basement, brick and wood siding row house constructed about 1910. It appears to be well maintained and conforms to current regulations. There is no on-site parking for this or any other dwelling on the street. The rear of the lot faces onto an alley that provides access to parking lots for two apartment buildings and secondary access to a supermarket.

According to the applicant (Attachment II), the building no longer has an internal connection between the main floor and basement levels, having been removed by a former owner. Providing a stairway to the basement inside the existing house would now be difficult without undue disruption and inefficient use of existing living area. The property is sufficiently constrained that an external addition conforming to zoning regulations would not be possible.

On the rear of the townhouse, there is a partially completed addition. According to the architect, the owners are new residents to the District and did not know that a permit was required for this work. The Distict issued a stop work order, and work on the addition ceased.

IV. AREA ZONING

The property is in the R-5-B zone district, which permits a variety of moderate height and density residential development. The retail / business area to the south and along 14th Street is zoned C-2-A.

V. PROJECT DESCRIPTION

The partially constructed rear addition would be replaced with a considerably smaller one, shown on the architectural drawings (Attachment III), consisting of:

- a 6.5' deep X 8.83' wide enclosure at the basement and main levels for a spiral stairway connecting these levels. Exterior siding materials would match existing.
- a wood stair and landing connecting the main floor to ground level. The landing and the stairs would each be 3' wide.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

§1104 *Policies in Support of the Residential Objectives*:

§1104.1 (h) ... *encourage the maintenance of existing housing stock and, where appropriate, the rehabilitation and new construction of detached and row housing ... while exercising care to avoid undermining neighborhood quality and stability*

The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Moderate Density Residential Land Use Category.*** Row houses are a common use in this category.

VII. REQUESTED ZONING RELIEF

	Permitted	**§223.3 –** Special Exception	**Existing**	**Proposed**
Lot Occupancy: (§403.2)	**60% max.**	**70% max** (with BZA approval)	**58.7%**	**62.7%**
	748 sq.ft.	**872 sq.ft.**	**731 sq.ft.**	**781 sq.ft.**
Rear yard (§404.1):	**15' min.**		**17.09'**	**10.59'**
Court width (§406.1):	**6' min.**		**n/a**	**3.67'**

The applicant is requesting special exceptions under §223.1, pursuant to 11 DCMR §3104:

§403.2 – lot occupancy - The property currently meets lot occupancy requirements. The small addition increases lot occupancy, but the property would remain within the amount permitted under §223.3, with approval of the BZA.

§404.1 – minimum rear yard setback - The property currently meets rear yard setback requirements. The 6.5' deep addition will result in a non-conformity of 4.4'. The addition is one story in height, and is less than half the width of the existing house.

§406 – minimum width of an open court - The stairwell addition will result in the creation of a new court with a width of 3.67'. It is enclosed by the addition on the east, the existing house on the north and the side property line on the west. On-grade stairs connecting ground level to the basement, as well as the entry to the new stairwell are in this area. The width of the addition has been minimized, and moving the addition further east to increase the width of the court is not possible because of an existing bay window on the house.

VIII. 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 subject dwelling was constructed prior to the adoption of the Zoning Act of 1958. §223 provides housing modification relief for owners of dwellings that pre-date current zoning requirements. Requiring full conformity to current regulations would have a negative impact on the ability of home-owners to modify and upgrade their homes, so could, over the long term, have a negative impact on area revitalization. The granting of the requested special exception to allow for this small addition is an appropriate application of this special exception provision.

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

No. The small one story stairwell addition would appear to have minimal impact on the community or on neighboring property owners. Many of the units in the area have additions and modification. OP is not aware of any expression in the community that the proposed addition would adversely affect neighboring owners or the neighborhood in general.

§223.1 - An addition to a one-family dwelling ... that does not comply with all the requirements of §§401, 403, 404, 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) The light and air availability to neighboring properties shall not be unduly affected;

Complies: There should be minimal impact on sunshine and air access to adjacent lots from the proposed one story addition. Buildings on the 1400 block of Meridian Place are typically 2 story, and are oriented north-south with generally aligned rear elevations, although most others already have rear additions. To the south are an alley and an auto repair shop, with a wide paved area for access and parking.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Complies: The property would continue to be used as a single dwelling. There is no "living space" in the addition, which will contain a stairwell only. There are no windows on its west elevation, facing the closest neighbor. A window on the east elevation is well separated from the adjacent property. The addition could result in increased privacy for neighbors, when compared to the existing situation of external access to the basement.

(c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage;

Complies: The proposed one story addition would not be visible from the street. It is designed to be in character with the house, and with the pattern of additions along the alley as most of the units on this block already have one or two story rear additions.

(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.

Complies: The owner has presented plans and elevations sufficient to show the relation of the proposed addition to adjacent buildings and views from public ways.

IX. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

The proposal has not been presented to ANC 1A. By telephone, the representative for Single Member District 1A02 noted no objection to the proposal.

X. OTHER AGENCY COMMENTS

There are no other Staff comments at this time.

XI. OP SUMMARY RECOMMENDATION

The Office of Planning recommends that the BZA approve the special exception request. An addition conforming to current zoning regulations would not be possible. The proposed addition would appear to provide a solution to the basement access problem in a way that is in character with other houses on the street. Approval is consistent with the Comprehensive Plan and Generalized Land Use Map, and would not undermine the integrity of the zoning regulations.

AA/jl



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16900

DC Office of Planning
June 20, 2002

Scale 1:1143

25 0 25 50 75 100 Feet

Attachment 1

B(f Zoning Adjustments (BZA), DC Office of Zoning)Z)
Washington DC, 20001
441 Fourth Street, Suite 210
(202) 727-6311

RECEIVED
D.C. OFFICE OF ZONING
2002 MAY 10 AM 4: 36

Re: *Petition for a Zoning Variance -1426 Meridian Pl., NW*

8 May 2002

To the members of the Washington DC Board of Zoning Adjustments (BZA):

The present letter is a petition for a Zoning Variance with respect to the following property:

1426 Meridian Place, N.W., Washington DC 20010
Lot 13, Square 2678
Zoning Classification: R5-B

The design of the home, as purchased, prevents its owners from fully enjoying their property, as there is no interior access between the house's basement and first floors. The owners would like to utilize the basement area as a nursery and play area for their son, without having to exit and re-enter and be subjected to the elements. Zoning Variances to permit a Rear Stair Enclosure are sought as relief.

Facts and Issues Concerning the Property and Neighboring Properties

The petitioner, J.P. Gauthier, undersigned, has been residing at the above address as his principal (indeed only) family domicile and residence with his wife (Kofo MacGregor-Gauthier) and son (Tristan), since September 2000.

Although designed and constructed as a three-bedroom Single-Family Home, the purpose which it indeed serves, the MacGregor-Gauthiers' 1426 Meridian Place home is, as a result of interior remodeling work undertaken by the home's PREVIOUS OWNER, devoid of any interior staircase or stairwell connecting the basement and the first floor.

Furthermore, the same remodeling work by the previous owner resulted in the installation of a half-kitchen in the basement where the staircase was formerly located, such that re-building a new staircase at the original location would prove extremely difficult and costly.

Finally, it should be noted that, of the fifteen (15) Single-Family Homes on the South-Side of the 1400 block of Meridian Place NW,[1] the MacGregor-Gauthier home was, as purchased, the ONLY one with no enclosed rear addition of some sort. Indeed, nine (9) of these homes even have two-story rear additions.[2] The depth of these additions ranges from approximately 4' to 10', depending on the specific property. [Photographs provided in support of Petititon]. The depths of the rear yards of each of these houses is comparable, at somewhere between 15' and 20' -The petitioner's property's rear yard depth is of 17.09'-17.50'.[3]

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[1] 1404, 1406, 1408, 1410, 1412, 1416, 1418, 1420, 1422, 1424, 1426, 1428, 1430, 1432, and 1434 Meridian Pl., NW, Square 2678, Lots 9 through 26.
[2] 1404, 1406, 1408, 1410, 1412, 1416, 1422, 1432, and 1434 Meridian Pl., NW.
[3] Exact survey unavailable at this time.

BZA
Case No. 16900
Exhibit No. 3
ATTACHMENT II

Consequences arising from the above Facts

The design of the home, as purchased, prevents its owners from fully enjoying their property, as there is no interior access between two of the house's floors. The design of the home, as purchased, is also detrimental to the property value of the home relative to neighboring homes which, as can be presumed on the basis of uniform original design, have both interior staircases and, as has been demonstrated above, rear additions.

Petitions for Relief

Given the above facts and their consequences on both the owners' property enjoyment and value, the undersigned hereby petitions the BZA for the following relief:

1) Pursuant to Section 223.1 of *Zoning Regulations*,[4] leave to construct a BOCA Code-compliant 51 SF Rear Stair Enclosure in his property's rear yard, to connect the basement and first floors of the house, comparable in size, design and appearance to the best structures found on neighboring properties;

2) Special exception from Section 403.2 of the *Zoning Regulations*, to occupy 62.8% of his lot surface (i.e., 731+51=782 SF, out of a total of 1246 SF), through the provisions allowing for up to 70% Lot Occupancy through a Special Exception or Variance, in order to construct the proposed Rear Stair Enclosure referred to above;

3) Variance from Section 404.1 of the *Zoning Regulations*, to allow a reduced rear-yard setback of 10.6', rather than the standard 15' setback for R5-B for Single-Family Homes, in order to construct the proposed Rear Stair Enclosure referred to above;

4) Variance from Section 406.1 of the *Zoning Regulations*, pertaining to open courts, so as to allow the construction of a 6.5' Rear Stair Enclosure wall within 3.7' of the boundary with the Western adjacent property (1428 Meridian Pl., NW), rather than within the standard 6', in order to construct the proposed Rear Stair Enclosure referred to above.

Sincerely,



Jean-Paul Gauthier
Owner, 1426 Meridian Pl., NW
Washington, DC 20010

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[4] *District of Columbia Municipal Regulations (July 1995), , Title 11 (Zoning), 1999 Supplement* [hereinafter the "*Zoning Regulations*"].

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 5/2/ 2002

Plat for Building Permit of SQR 2678 LOT 13

Scale: 1 Inch = 10 feet Recorded in Book 37 Page 135

Receipt No. 8474

Furnished to: KOFO

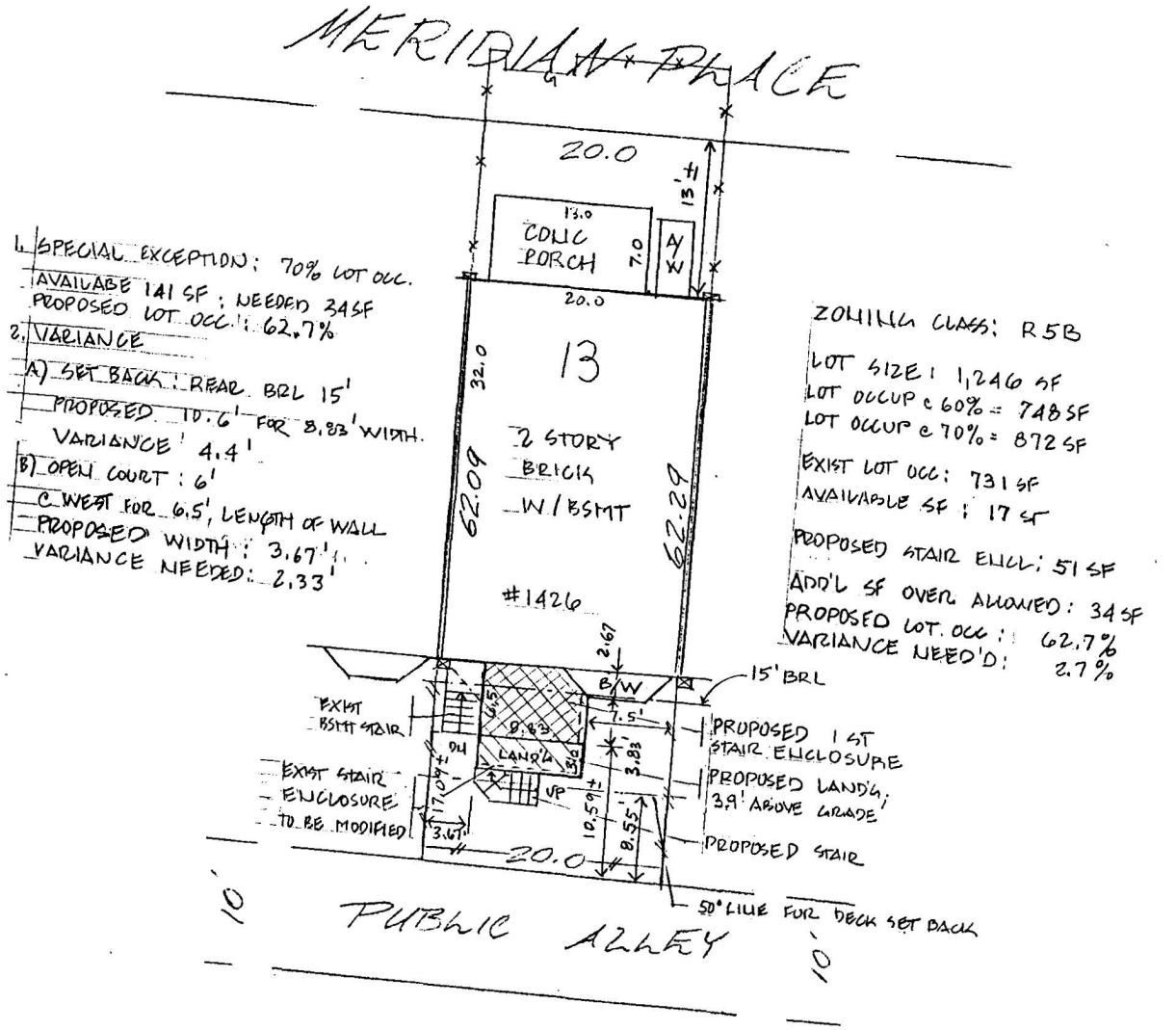
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Surveyor, D.C. Date: _____

By: RFD

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

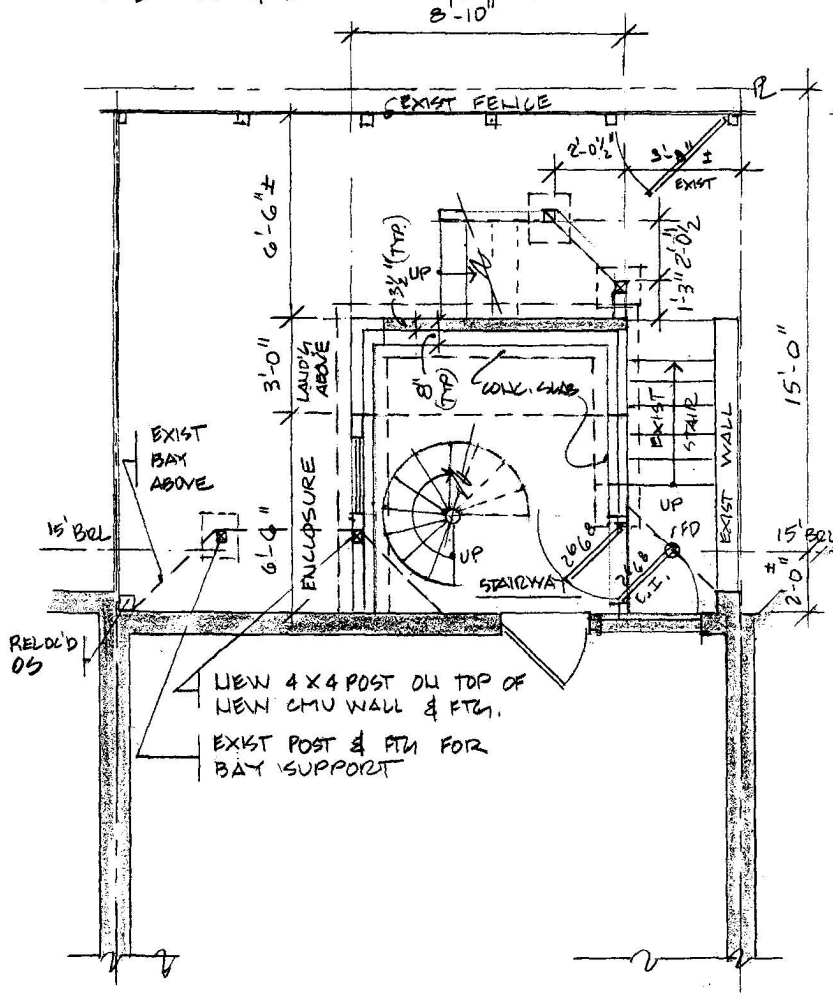


ATTACHMENT III

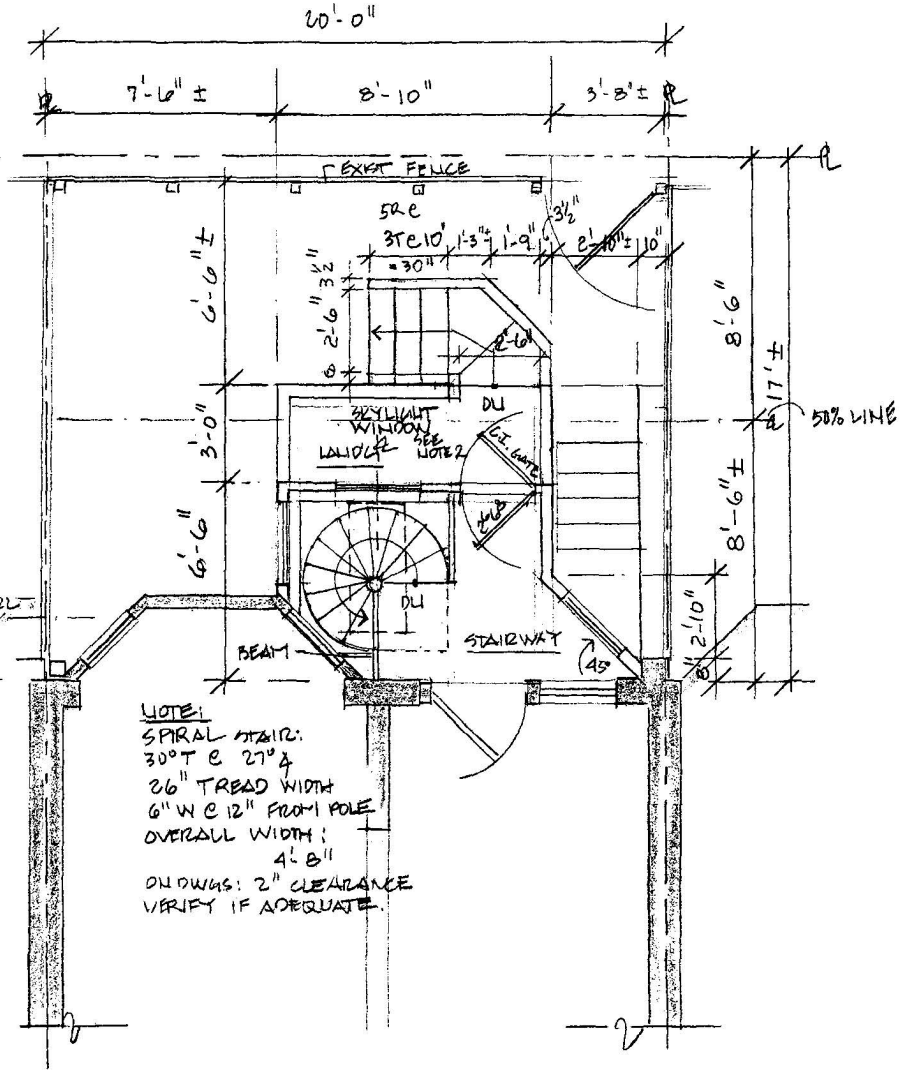
MACGREGOR/GAUTHIER STAIR ENC. 2 OF 2 5.3.02

NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS & SITE CONDITIONS.
2. ℄ WINDOW & ℄ SKYLIGHT TO LINE UP.



BASEMENT PLAN



NOTE:
SPIRAL STAIR:
30° T @ 27° Δ
26" TREAD WIDTH
6" W @ 12" FROM POLE
OVERALL WIDTH:
4'-8"
ON DWGS: 2" CLEARANCE
VERIFY IF ADEQUATE.

FIRST FLOOR PLAN

NICOLA HAIN ARCHITECT
3905 NICHOLSON ST
HYATTSVILLE, MD. 20782
301 927. 4937
301. 779 3850 FAX

BASEMENT FLOOR PLAN
FIRST FLOOR PLAN

MACGREGOR / GAUTHIER
STAIR ENCLOSURE
1420 MERIDIAN PL NW
WASHINGTON, D.C.

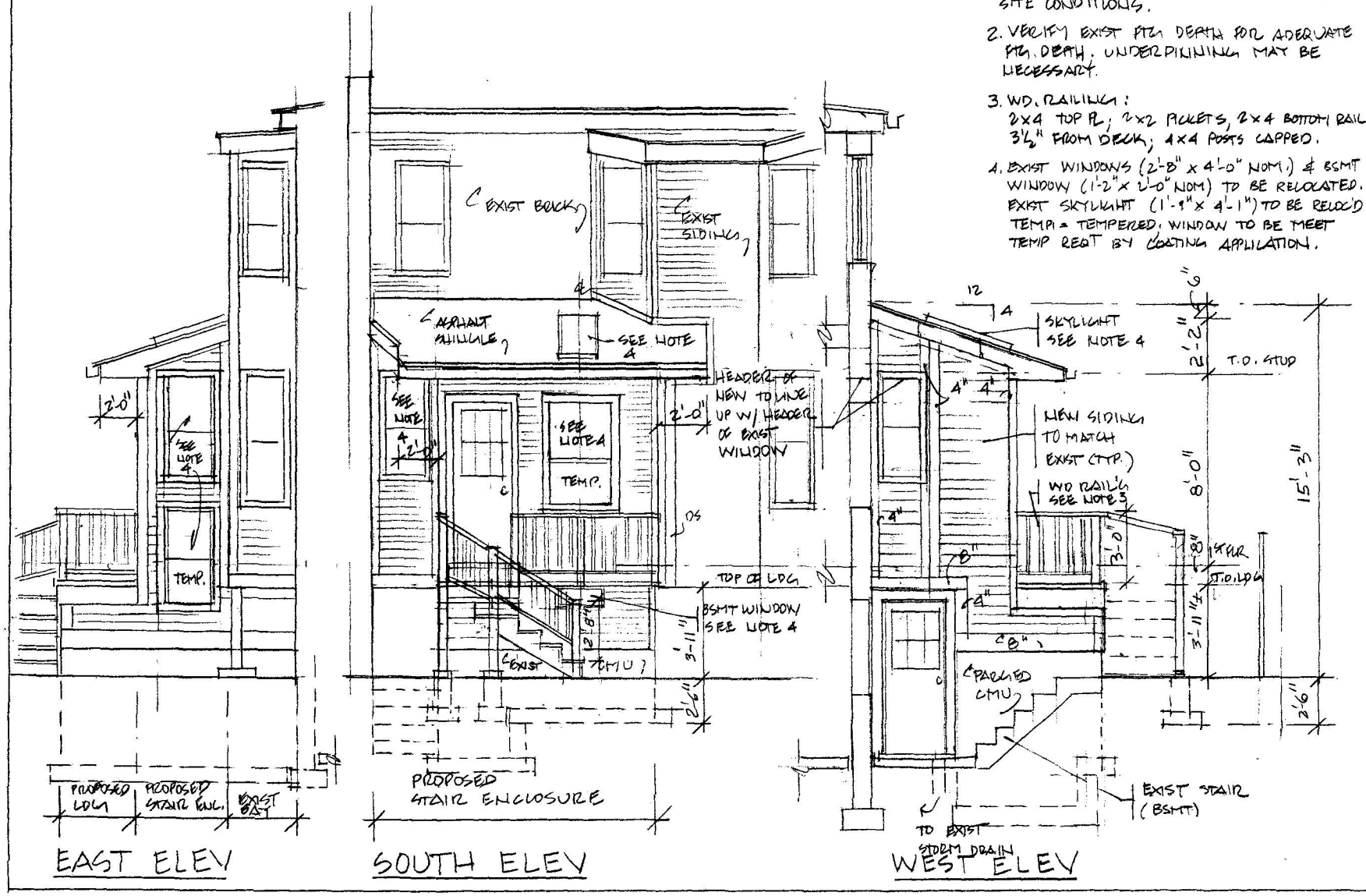
¼" = 1'-0"

MAY 3, 2002

A3

NOTES:

1. CONTRACTOR TO VERIFY ALL DIM's & SITE CONDITIONS.
2. VERIFY EXIST FTG DEPTH FOR ADEQUATE FTG. DEPTH. UNDERPINNING MAY BE NECESSARY.
3. WD. RAILING: 2x4 TOP RL; 2x2 PICKETS, 2x4 BOTTOM RAIL 3½" FROM DECK; 4x4 POSTS CAPPED.
4. EXIST WINDOWS (2'-8" x 4'-0" NOM.) & BSMT WINDOW (1'-2" x 2'-0" NOM) TO BE RELOCATED. EXIST SKYLIGHT (1'-9" x 4'-1") TO BE RELOC'D. TEMP = TEMPERED. WINDOW TO BE MEET TEMP REQT BY COATING APPLICATION.



NICOLA HAIN ARCHITECT
3905 NICHOLSON ST
HYATTSVILLE, MD. 20782
301.927.4937
301.779.3850 FAX

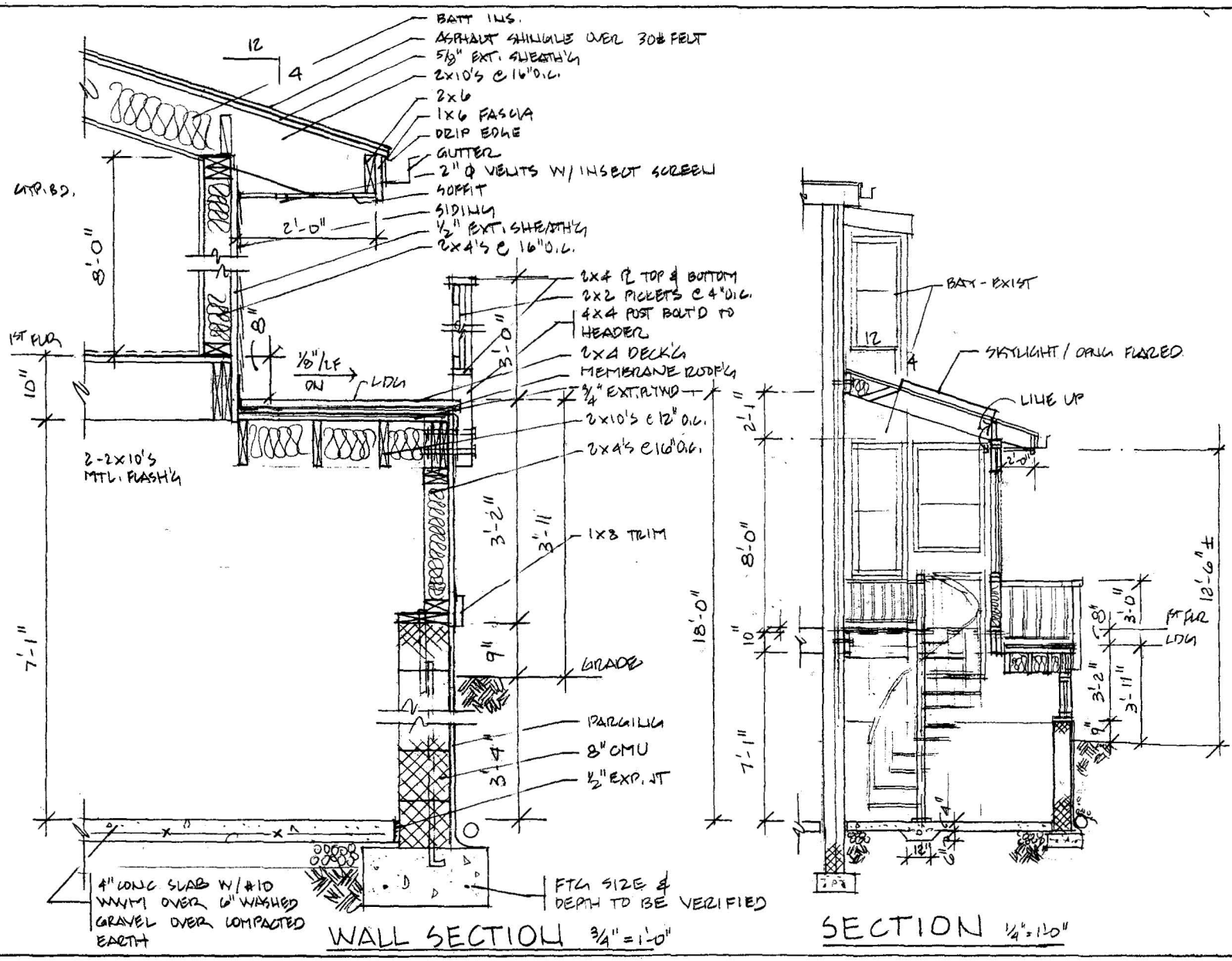
ELEVATIONS

MACGREGOR / GAUTHIER
STAIR ENCLOSURE
1215 MERIDIAN PL NW
WASHINGTON, D.C.

1/4" = 1'-0"

MAY 3, 2002

A4



NICOLA HAIN ARCHITECT
3905 NICHOLSON ST
HYATTSVILLE, MD 20782
301.927.4437
301.779.3850 FAX

WALL SECTION
SECTION

MAC GREGOR / GAUTHIER
STAIR ENCLOSURE

1429 MERIDIAN ST NW
WASHINGTON, D.C.

SCALE AS NOTED

MAY 3, 2002

A5

6 OF 8