GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** AS for
Andrew Altman
Director

**DATE** January 7, 2003

**SUBJECT:** BZA Application 16975
654 Independence Ave., S.E.

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## APPLICATION

An application by Kathryn Pirnia, pursuant to 11 DCMR §3104 for a special exception to allow an addition to a residence under § 223, not meeting lot area, lot width and lot occupancy requirements in an R-4 zone district at 654 Independence Avenue, S.E.

## SUMMARY RECOMMENDATION

The Office of Planning **recommends approval** of the special exception from the lot occupancy requirements in accordance with the provisions of Section 223.

## SITE AND AREA DESCRIPTION




The subject property is located at 654 Independence Avenue S.E., Square 870, Lot 63. The square is bounded by 7th Street to the east, Independence Avenue to the south, 6th Street to the west, and A Street to the north. The site is currently developed with a two-story, single-family row dwelling. The surrounding area is zoned R-4, CAP/R4 and C-2-A.

BZA
Case No. 16975
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 16975
EXHIBIT NO. 22

## PROJECT DESCRIPTION

The applicant is proposing an addition to the rear of the existing property. The residence is a non-conforming structure, not meeting the lot width, lot area requirements of 18 feet and 1,800 square feet respectively, and the lot occupancy of 60% for a row dwelling in the R-4 District. The proposed area of the new addition is 420 square feet. The proposed addition increases the lot occupancy from 36% to 70%. The current living area measures 10' 4.5" in width, and an existing 3' 3.5" wide passageway, which likely provided direct access from the sidewalk to the rear yard, will be converted to interior space. The addition to the rear of the residence maintains the minimum required 20' rear yard measurement.

## ZONING REQUIREMENTS

The applicant is requesting a special exception from the lot area, lot width and lot occupancy requirements, to allow an addition to a nonconforming structure (§§401, 403 and 404) devoted to a conforming use.

| Section | Item | Allowed | Existing | Proposed | Deviation |
|---|---|---|---|---|---|
| 401 | Lot Area | 1,800 square feet (minimum)) | 1,237 square feet | 1,237 square feet | -563 sq. feet - |
| 401 | Lot Width | 18 feet | 14 feet | 14 feet | - 4 feet |
| 403 | Lot Occupancy | 60% | 36% | 70 % | 10% |
| 404 | Rear Yard | 20 feet | 20 feet | 20 feet | N/A |

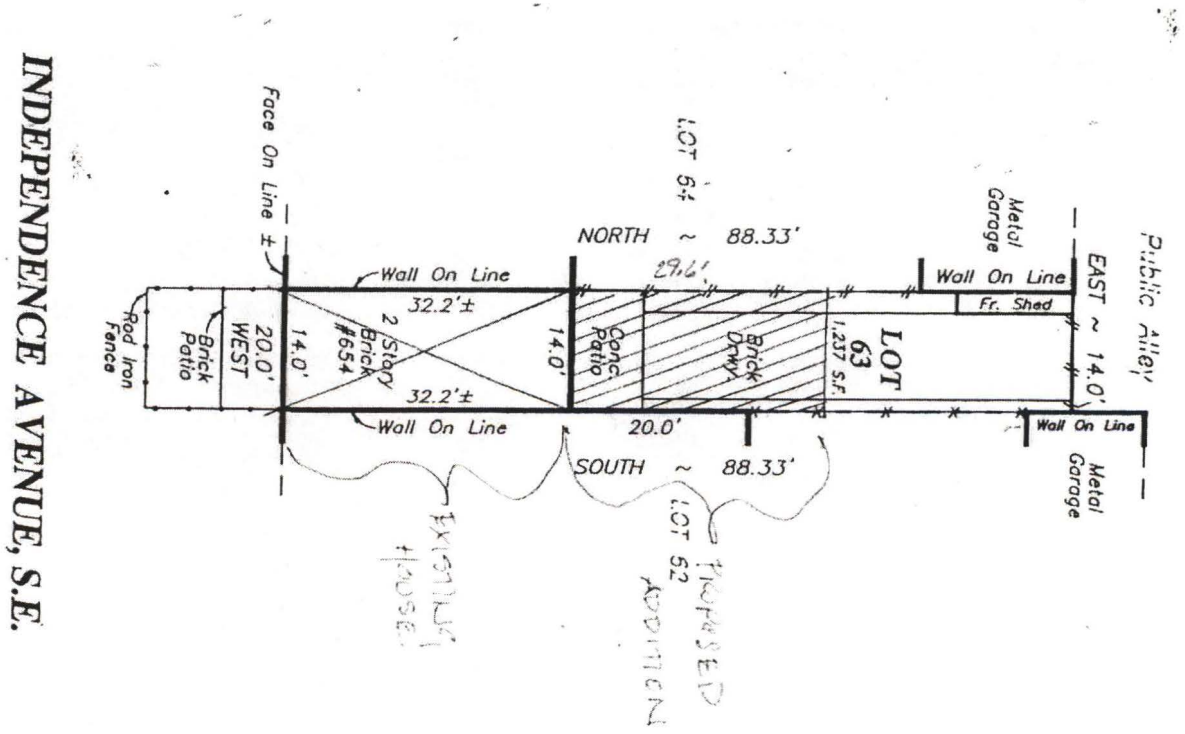



Figure 1
Surveyor's Location Drawing
Proposed Addition

**Special Exception Relief**

Relief may be granted from the requirements of §§401, 403 and 404, under Section 223, if the lot occupancy of the dwelling does not exceed 70% in the R-4 districts. The proposal does not expand the overall lot occupancy beyond the 70% maximum.

The proposed addition must satisfy the standards as identified in §223.2 as follows:

(a) *The light and air available to neighboring properties shall not be unduly affected.*

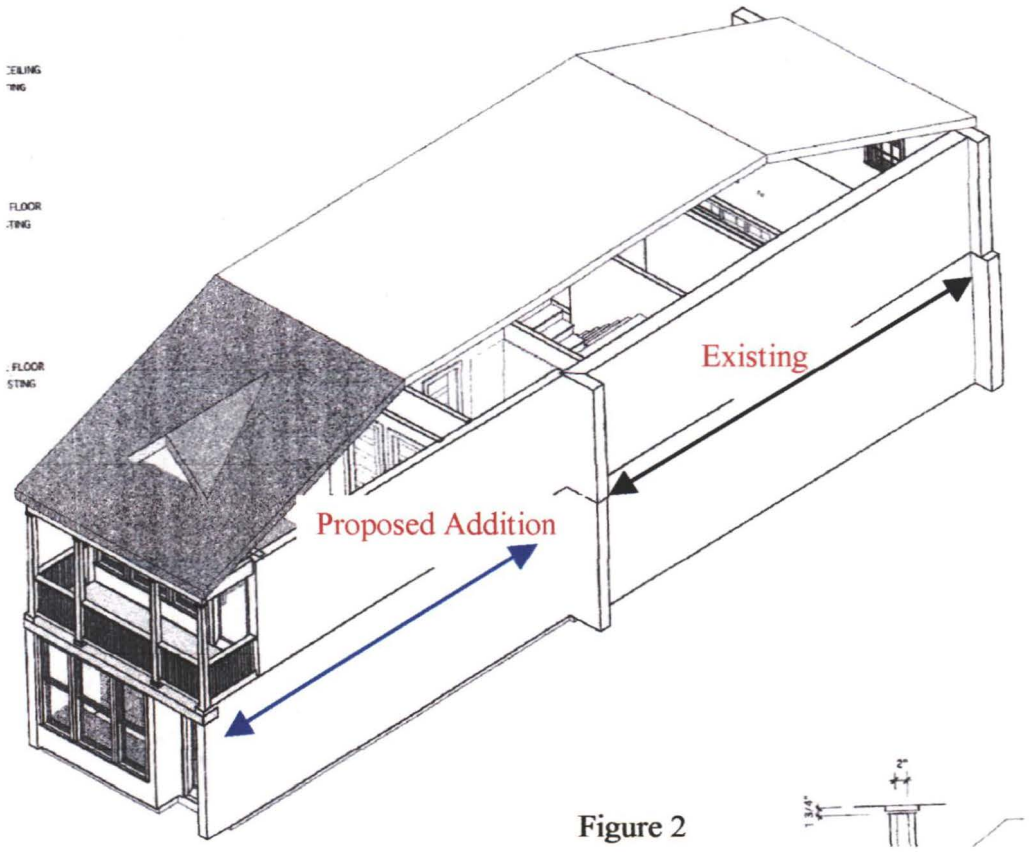
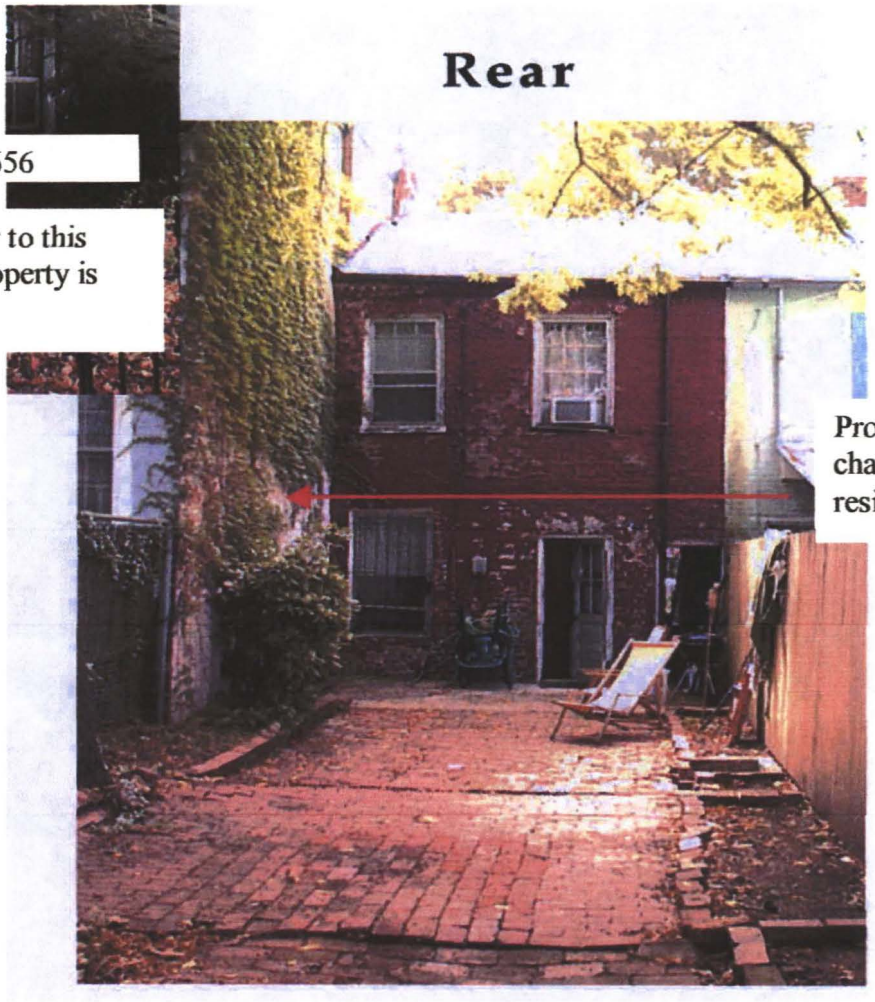



Figure 2

The proposal includes a two-story rear addition, which extends approximately 30 feet from the back of the existing residence. The addition includes a 4' 4" wide covered porch on the second level. The new addition extends 9'6" beyond the residence to the east (#656), including the covered porch and patio area of 4' 4". Currently, the party wall of the residence to the east (#656) extends to approximately 20 feet beyond the subject residence, so the addition should not have an adverse impact on current light conditions or affect the circulation of air to that property. Additionally, there are no windows along the existing party wall and according to the applicant; the subject residence is half-story below the property to the east. Therefore, the extension would

have minimal effect on this neighbor's light and air. Similarly, the wall, which would abut the neighbor to the west (#652), proposes no windows, so privacy will not be affected by the addition. No shadow will be cast on the west due to this addition.




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

The proposed addition will not cause visual encroachment to neighboring properties. The proposal does not increase the height of the existing structure and does not have windows along the proposed party walls, which would preserve the privacy of the neighbors on both sides of the subject property. The subject property is a half-story below the property to the east, as it steps down at the property's entrance. However, OP suggests that the party wall on the second level should be extended through the entire addition, including the covered porch to preserve the privacy of the neighbors on the west.

(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 subject street frontage.*

Similarly, the proposed addition will not visually intrude upon the character of the subject street frontage, since it is at the rear of the property. The completed structure will not visually intrude on the character of the neighborhood as viewed from Independence Avenue. From the renderings provided, and OP's observation of the immediate neighborhood, the upgrade of the existing structure seems compatible with other rear additions within the Square. (See Below)



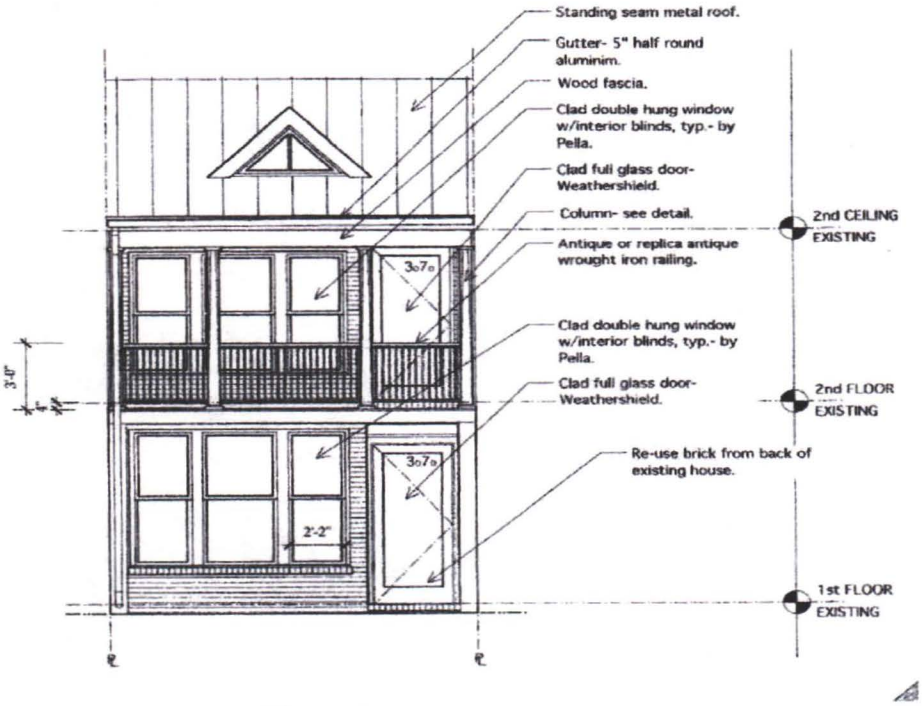



Figure 3

(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 drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.*

The applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

**COMMUNITY COMMENTS**

This property is within the Capitol Hill Historic District. The Historic Preservation Review Board reviewed the concept and it was unanimously approved. However, the staff report indicated that the passageway was a feature found in early 19th century rowhouses and that a sense of the passageway should be maintained from the street with an appropriate setback. Preservation staff believed that a 3-foot setback would "retain an appropriate sense of depth and make the passageway infill acceptable."

The applicant also met with the Capitol Hill Restoration Society Historic District Committee in December 2002 and they expressed reservations about the size of the addition. The Committee requested the applicant to submit drawings representing the addition in relation to the neighbors' properties on either side of the subject property. The applicant informed the adjoining neighbors about the proposed addition and received

verbal agreement from the neighbor to the east that there will be no adverse effect on their property. The applicant informed OP that every effort was made to contact the neighbor to the west of the property and to date there has been no response to the proposal. No neighborhood objection was recorded at either the Historic Preservation Review Board Hearing, or the Historic District Committee meeting in December 2002.

OP has not received ANC 6B's final report on the applicant's proposal. The applicant has informed OP that there was no neighborhood opposition at the ANC meeting.

## CONCLUSION

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 and Section 223 of the Zoning Regulations, for the granting of a special exception to permit the expansion of a nonconforming structure at 654 Independence Avenue, S.E.

The existing structure has a narrow 10' wide living space with an approximately 3-foot wide passageway, which connects the sidewalk to the rear yard of the property. This is an unusual feature, typical of early 19th century residences. The applicant provided photo images of the interior of the residence and from OP's observation it can be concluded that the living area is indeed narrow and that an addition to the property could allow the applicant reasonable use of property without adversely affecting the light, air and privacy of neighboring properties. While the addition doubles the size of the residence, it does not exceed the maximum allowable lot occupancy (70%) prescribed by the provisions of §223.

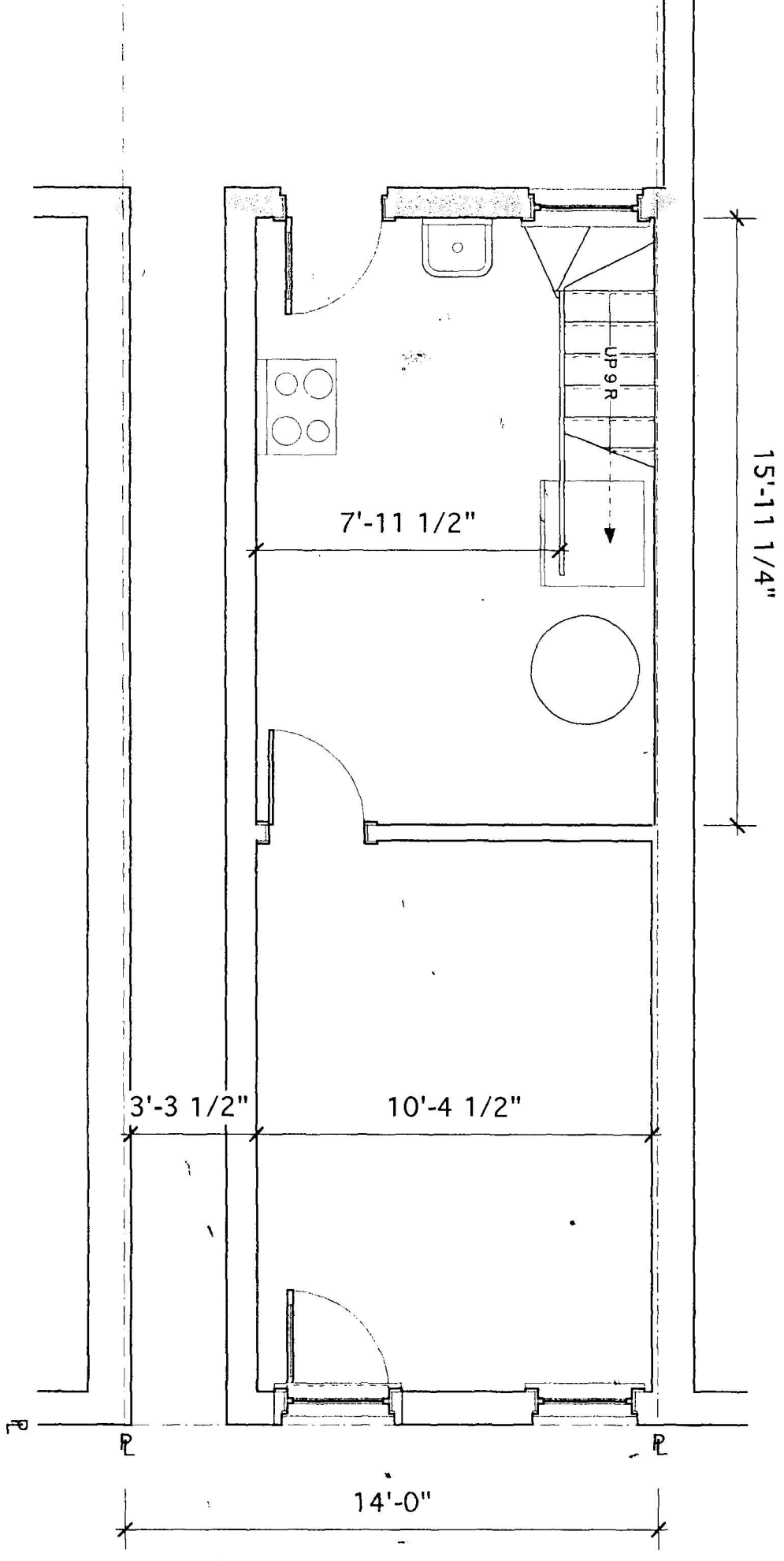
OP believes that the request can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations. The Office of Planning **recommends approval** of the special exception by the Board of Zoning Adjustment to allow the addition at the rear of the property subject to the following condition:

- The second level western side wall should be continued to include the second level porch in order to maintain the privacy of the residence at 652 Independence Avenue, S.E.

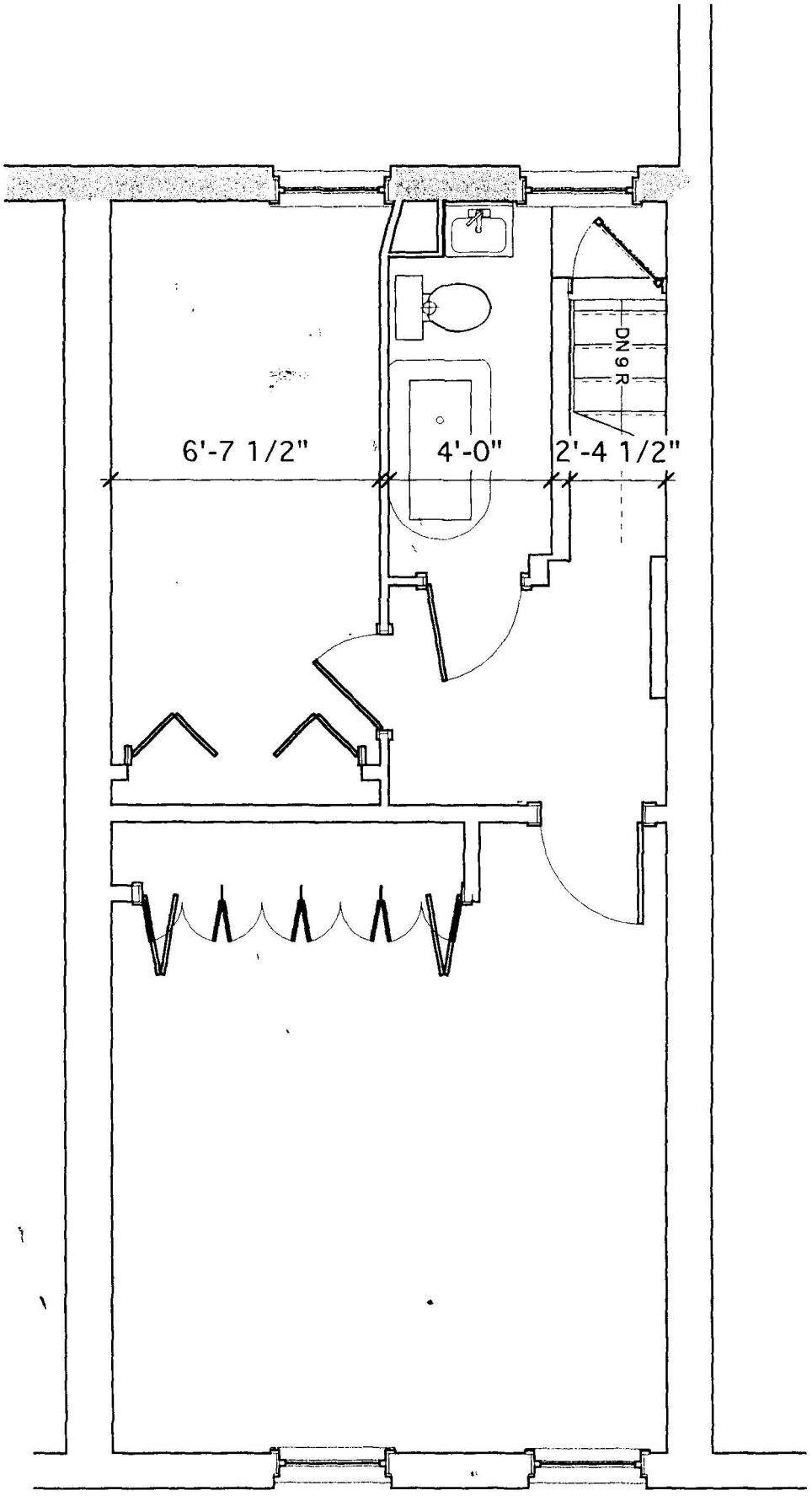
Attachments:

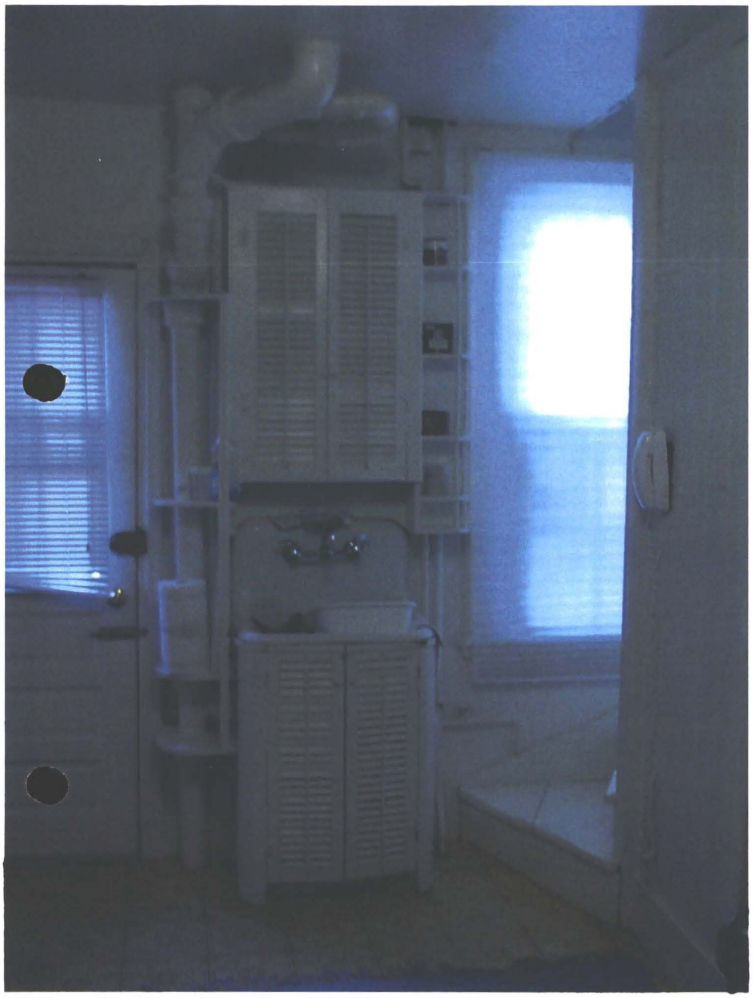
1. First and Second Floor Plans
2. Photograph of the interior showing kitchen
3. Statement of Support - 652 Independence Avenue

FIRST



SECOND







## Thomas, Karen (OP)

**From:** Pirnia, Kathryn [Kathryn.Pirnia@ed.gov]
**Sent:** Friday, January 24, 2003 11:35 AM
**To:** 'Karen.Thomas@DC.gov'
**Subject:** re: Pirnia addition FW: Building Plans

Karen,

Below is an email I received from my next door neighbor that resides out of state. I was finally able to reach her and as she indicates, she is fully supportive of the renovation and addition to my home at 654 Independence Ave. I wanted to send you this input as an update to my file. Thanks, Kathryn Pirnia

-----Original Message-----
From: helenward@att.net [mailto:helenward@att.net]
Sent: Thursday, January 23, 2003 10:06 PM
To: Pirnia, Kathryn
Subject: RE: Building Plans

Kathryn,
It was good to speak with you this evening and discuss your plans for the addition at 654 Independence Ave.
As I indicated, I am in support of your plans and will work with you in the future regarding the backyard fence, lighting and any other issues that might arise.
Best of luck to you and please let me know if I can be of assistance to you in any way.
Regards.
Helen Ward
652 Independence Ave., S.E.
Washington D.C. 20003
202-543-8798
973-543-2749 (NJ)

> Helen, I am glad the package reached you. I will be home this evening
> after 7:00 and would be happy to discuss the effects of the addition.
> Thanks for sending me your phone number. I had called your phone next door
> several times but new that wasn't working. I was in Maryland this past
> weekend - leaving Friday directly from work, so it looks like just we missed
> each other. Look forward to talking with you tonight. Thanks, Kathryn
>
> -----Original Message-----
> From: helenward@att.net [mailto:helenward@att.net]
> Sent: Thursday, January 23, 2003 8:35 AM
> To: kathryn.pirnia@ed.gov
> Subject: Building Plans
>
>
> Kathryn,
> Thank you for the package you sent me with the information regarding your
> building plans; it arrived yesterday. I would like to speak to you about the