GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: March 7, 2003

SUBJECT: BZA Application 16994

APPLICATION
Richard Van Berkel, the applicant, is requesting a special exception to allow construction of a one-story addition to an existing three-story dwelling on property located at 1530 Swann Street, N.W. (Square 191 Lot 76) pursuant to Sections 223 and 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning,

SUMMARY RECOMMENDATION
The Office of Planning recommends approval.

SITE AND AREA DESCRIPTION
The subject property is a 0.03-acre (1,156 square foot) interior lot along the southern tree-lined frontage of Swann Street, N.W. A 3-story masonry row house dwelling is constructed to the front property line of the property. The rear yard abuts an alley 14-feet wide, and is surrounded by a wooden picket fence approximately 7'-6" in height. There are no other structures on the property.

Development in the vicinity mostly consists of similar 3-4 story masonry row dwellings, although many lots to the south include garages accessed from the alley. The subject property, the adjacent lot to the west, and lots to the north, south and east are zoned R-5-B. Properties further west are zoned R-5-D (please refer to Exhibit 1). These properties also fall within either the Greater Fourteenth or Sixteenth Street Historic Districts.

APPLICANT'S PROPOSAL
The applicant would like to construct the addition to the southeast corner of the existing dwelling to provide a half bath and walk-in pantry next to the existing first floor kitchen area. The 63-square foot (4'-6" x 14') addition would extend from the exterior sidewall to the eastern property boundary, but it would be recessed from the rear wall of the dwelling (refer to Exhibit 2).

BZA
Case No. 16994
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 16994
EXHIBIT NO. 20

Existing windows along the east wall would be covered, and the adjacent dwelling to the east would not be impacted because it has no windows or other openings along the shared property boundary. No other changes are proposed.

EXISTING ZONING AND RELIEF REQUESTED

The subject properties are zoned R-5-B. Section 350.4 (a) of the Zoning Regulations (per Sections 320 and 330.5 [a]) allows a Row dwelling in this zoning district as a matter of right. The property is also subject to the following provisions:

Standard	R-5-B Requirement	Existing	Proposed	Required Relief
Lot Area	N/A	1,156 s.f.[1]	Same	N/A
Lot Width	N/A	17 feet	Same	N/A
Floor Area	N/A	1,720 s.f.[1]	1,783 s.f.[1]	N/A
Floor Area Ratio	1.80	1.49	1.54	N/A
Height	50 feet	30 feet	30 feet	N/A
Lot Occupancy (max.)	60 %	63%[2]	68%[2]	Variance/SE
Residential Recreation Space	N/A (single-family use)[3]	None	None	N/A
Rear Yard	15 feet	21 feet	21 feet	N/A
Side Yard	0 feet[4]	0 feet	0 feet	N/A
Parking (on-site)	1 space[5]	1 space	1 space	N/A

This review indicates that the request generally meets zoning requirements, however relief is required from the 60% lot occupancy limitation because the expanded dwelling would occupy 68% of the site. As a result, the applicant submitted this request for a special exception.

ANALYSIS

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions 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."

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[1] District of Columbia land records
[2] Ground floor dimensions taken from edited DC Surveyor's Plat dated January 12, 2002
[3] Exempted under Section 773.1 of the Zoning Regulations
[4] Existing row house party walls straddle side property boundaries
[5] Based on approximate dimensions of rear yard

The referenced special exception, to allow an addition to a one-family dwelling that will exceed the allowable lot occupancy in R-5-B, is subject to the provisions under Section 223.

Compliance with Section 223
The requirements under this section include:

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property; in particular;

(a) The light and air available to neighboring properties shall not be unduly affected; The availability of light and air to neighboring properties would not be affected because: there are no windows along the wall where the addition will be located; the addition with not extend as far as the existing rear wall of the existing dwelling; and the addition not be as tall as the existing building.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; The proposed addition would not extend any further into the rear yard than the existing dwelling. Surrounding properties are also currently screened from the rear of this lot by wooden picket fence 7'-6" in height. This fence will remain.

(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; and ... Staff does not think that the proposed addition would "intrude" upon the existing alley frontage, and no changes are proposed along Swann Street.

(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. Sufficient graphical documentation has been submitted for staff review and analysis.

223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-l and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts. Lot occupancy as a result of the proposed addition would be 68%.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties. No additional treatment is recommended because: according to the

submitted plans, the addition will be constructed with bricks and windows that match the existing dwelling; and the rear yard is currently adequately screened.

Based on these findings, OP concludes this application meets the requirements of Section 233.

Compliance with Section 3104.1:
Based on the findings under Section 233, the proposed construction will be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will not tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this area for Moderate Density residential development characterized by row houses and garden apartments as predominant uses. The Comprehensive Plan states, as its first principle, the importance of stability for residential neighborhoods. Under Section 101, Major Themes, the plan states:

> "The successful and creative functioning of neighborhoods is a fundamental concern. Citizen participation in civic improvement starts from the interest that people have in their neighborhood blocks and the day-to-day relationships therein. ...
>
> The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved. ...
>
> Ensuring good quality neighborhoods is of utmost importance to the District."

In Title 11, the Land Use Element, the Plan gets quite specific. Section 1103, Objectives for Residential Neighborhoods, states:

> "The residential neighborhood objectives are to conserve the essentially satisfactory qualities of the District's many stable residential neighborhoods, to enhance other neighborhoods to improve and achieve stability, to redirect public and private initiatives to neighborhoods most in need of improvement and stability, to encourage development of adequate neighborhood shopping and support services in all sections of the District, to protect residential neighborhoods from disruptive uses and to prevent concentrations of non-residential uses in residential neighborhoods."

Policies in support of these objectives include "(1) Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses; ..."

COMMUNITY COMMENTS
Ramon Estrada, Chairman of Advisory Neighborhood Commission (ANC) 2B, indicated that the ANC reviewed this application on February 12, 2003, and recommended approval.

AGENCY COMMENTS
Because the property is located in the Greater Fourteenth Street Historic District, this request was referred to The State Historic Preservation Office (SHPO) for review. SHPO staff did not express any concerns about this proposal.

Copies of the application were also referred to the Fire, Police, Housing and Community Development, Public Works and Transportation Departments for comment. The Fire Department did not express any objection (refer to Exhibit 3). No other agency comments have been received.

RECOMMENDATION
The Office of Planning recommends approval of this application as presented.

AA/afj

Attachments:

Exhibit 1 Aerial Including Zoning
Exhibit 2 DC Surveyor's Plat dated December 5, 2002 (edited)
Exhibit 3 Memorandum from Kenneth B. Ellerbe, Fire Marshall, to Andrew Altman, Director, Office of Planning Dated March 4, 2003

Exhibit 1


T St NW
0191
R-5-B
R-5-B
Swann St NW
1530 Swann St NW
S St NW
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. 16994
DC Office of Planning
January 31, 2002
Scale 1:1448
Feet

Exhibit 2

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 12-5 2002

Plat for Building Permit of [illegible]

Scale: 1 inch = [illegible] feet Recorded in Book [illegible] Page [illegible]

Receipt No. [illegible]

Furnished to: [illegible]

Surveyor, D.C.

By: [illegible]

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.)

Date: 1-2-03

[illegible]
(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.

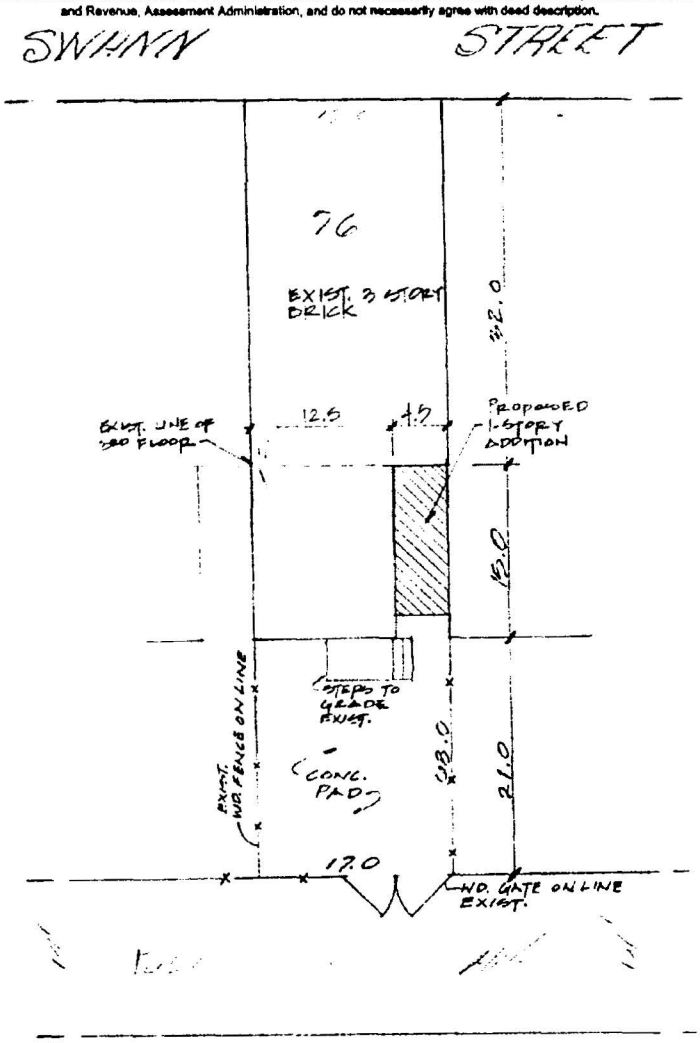


Exhibit 3

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D.C. 20001



MEMORANDUM

TO: Andrew Altman
Director
Office of Planning

FROM: Kenneth B. Ellerbe
Fire Marshal

DATE: March 4, 2003

SUBJECT: BZA Application No. 16994

The D.C. Fire and EMS Department has reviewed the above zoning case regarding the request for special exception for construction of a one-story addition to the existing three-story dwelling at 1530 Swann Street, N.W.

We have no objection to this case.

If you have any questions, I may be reached at 727-3659.