GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: July 15, 2003

SUBJECT: **BZA Case #17042, 518 9th Street SE, Special Exception Request**

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends that BZA Case #17042, 518 9th Street SE, Special Exception requests for lot occupancy and side yard be approved.

II. APPLICATION-IN-BRIEF

Location 518 9th Street SE, Washington DC
Square 949, Lot 48, Ward 6; ANC 6B

Applicant: Carol Miller, owner

Zoning: R-4

Proposal: Construction of an addition to an existing detached single-family dwelling.

Relief Sought: Variances to lot occupancy and side yard, pursuant to §223.

III. AREA AND SITE DESCRIPTION – Refer to Location and Context Maps, Attachments I & II

The subject property is in the Capitol Hill neighborhood. Square 949 is located between 9th and 10th Streets S.E. and E and G Streets S.E. and is developed primarily with two story row houses. To the north of the square is the Old Navy Hospital. The square is in the Capital Hill Historic District.

The property is mid-block and fronts onto 9th Street S.E. Directly to the south is a narrow alley; to the rear is a wider alley. The property, which does not meet current lot size and lot width requirements, is developed with a small one-story "shotgun style" structure, with a one story addition to the rear. The property to the north is developed with a two-story house with a setback of about 5 feet along its south lot line (common with the subject property), and has a number of windows facing the setback area. On the south side of the alley is another small 1 story house.

IV. PROJECT DESCRIPTION

The owners wish to construct a two-story addition to the rear of the existing dwelling. The existing rear addition would be torn down, as would a shed in the rear yard. The overall style and materials of the addition would match those of the existing house.

V. RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map designates the property as "moderate density" residential (row houses and garden apartments being the predominant

BZA
Case No. 17042
Exhibit No. 25
Board of Zoning Adjustment
District of Columbia
CASE NO. 17042
EXHIBIT NO. 25

uses). The proposed addition would not alter the existing single family dwelling use, so would not be inconsistent with this designation, and would further the following Comprehensive Plan objectives:

§1104 *Policies in Support of the Land Use Element Residential Objectives*:

§1104.1 (h) ... encourage the maintenance of existing housing stock ... while exercising great care to avoid undermining neighborhood quality and stability;

§1725 *Ward 6 Objectives For Preservation And Historic Features*

§1725.1 (b) To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill and Anacostia Historic District ...;

(c) To encourage new development and renovations of structures that are sensitive to the character of the historic districts in Ward 6;

VI. AREA ZONING

The subject property, is zoned R-4, as is the remainder of the square. The zone permits row houses, detached dwellings, conversions, and flats. Although the existing dwelling is not connected to the adjacent one, which provides a setback along the common lot line, it is considered a "semi-detached" dwelling, rather than a detached dwelling, because the Zoning Regulations defines a dwelling as semi-detached when one side wall is either a party wall or a lot line wall, as in the case here.

VII. REQUESTED ZONING RELIEF (refer to Project Profile, Attachment III)

The proposed new townhouse would require the following special exception relief pursuant to §223:

	Zoning Regulation:	Proposed:
1.	**§403 - Lot Occupancy:** - 40% max.	56.1%, **variance of 16.1% (327 sq.ft.)**
2.	**§401 - Side Yard:** - 5 ft. min.	4.6 ft., **variance of 0.4 ft.**

The house is currently non-conforming for both lot coverage and side yard setback. The proposed lot coverage would be greater than existing, resulting in the special exception request. §223.3 provides for BZA review of lot occupancy of less than 70%. The addition is proposed to continue the non-conforming setback line of the existing house, resulting in the special exception request for side yard setback. §223 permits BZA review and approval of these non-conformities, provided the following tests are met:

§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: The proposed addition would impact only the neighbor to the north, as there are alleys and the street on the other three sides. The addition is located to the rear of the existing house and generally to the rear of the rear wall of the neighboring structure. Although there may be some impacts on light access to the rear yard of the adjacent house, a conforming addition – the construction of a second floor on top of the existing house – would significantly impact light and air access to the neighbor's house. The applicant notes that the neighbors to the north have indicated support for the proposal.

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

Complies: The proposed addition does not include windows or decks along the north elevation, which should eliminate potential privacy impacts.

(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 addition is to the rear of the existing one story house, so there would be minimal impact on the streetscape. The rear (east) alley-scape does not have a consistent character, with some additions visible, as well as high fences, sheds, and garages on or close to the rear lot line. The addition would be visible from the south alley, but at two stories, would be consistent with rowhouse development patterns in the area.

(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 photographs, plans and elevations sufficient to show the relation of the proposed addition to adjacent buildings and views from public ways.

§223.3 - The lot occupancy of the dwelling or flat, together with the addition, shall not exceed seventy percent (70%) in the R-4 District ...

Complies – the proposed lot occupancy was calculated by the applicant to be 56.1%.

§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.

A portion of a retaining wall along the south (side) alley is in poor condition. Repairs to the wall would improve the character of the alley-scape, and may help to ensure long-term stability for the addition and rear yard area.

§223.5 - This section may not be used to permit the introduction or expansion of a nonconforming use.

The proposed addition would not alter the existing use of the site as a single-family dwelling.

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

Yes. The original historically significant one story 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. In this case, the proposed design has also been reviewed and approved by the Historic Preservation Review

Board and the local ANC. The granting of the requested special exception to allow for this addition is an appropriate application of this special exception provision.

VIII. HISTORIC PRESERVATION REVIEW BOARD – refer to Attachment IV

The subject property is within the Capitol Hill Historic District, so the addition required the review of the Historic Preservation Review Board (HPRB). The Staff report to the HPRB notes that this house may have been constructed as early as the late 1850's, and is one of two remaining "shotgun-type" houses, an open plan house type closely associated with African-American settlements. The proposed addition is noted as being sympathetic to and in character with the original house, but that it could visually overwhelm the existing house because of the proposed two-story height.

At its April 24, 2003 meeting, the HPRB adopted the Staff report, but accepted the proposed addition height without the need for further study. The HPRB requested that the "hyphen" – the indentation separating the old from new construction – be increased in width from the originally proposed 3'. The current drawing show the width increased to 4', which slightly increases the building footprint and the proposed lot occupancy. The HPRB further noted that this approval "*should not be construed to constitute an endorsement for the necessary zoning variances or zoning relief*".

IX. ADVISORY NEIGHBORHOOD COMMISSION (ANC) - refer to Attachment V

ANC 6B considered this item at its Tuesday, June 10, 2003 meeting and has recommended approval. By phone, the Chair has indicated the ANC voted to recommend approval of the request.

X. OTHER AGENCY COMMENTS – refer to Attachment VI

The Department of Housing and Community Development (DHCD) notes support for the application. The Water and Sewer Authority (WASA) notes standard information that may be required at the building permit stage. The Fire and Emergency Medical Services Department notes that the house with the addition will be accessible from three sides, so has no objection to the request. The District Department of Transportation (DDOT) noted by email to OP that the proposed addition has no traffic implications, and should not result in additional traffic impacts on the local transportation system in the area. No other comments were received prior to filing this report.

XI. OP SUMMARY RECOMMENDATION

The addition as proposed has been approved by the HPRB and the ANC, and would seem to have less negative impact on the only adjacent property. The construction of a conforming second story addition to the existing house, while not being out of character with the over all streetscape, would destroy the historic character of the dwelling. OP recommends approval of these special exception requests. This recommendation is consistent with the Comprehensive Plan and Generalized Land Use Map, and would not undermine the integrity of the Zoning Regulations.

AA/jl

ATTACHMENTS:

I Location Map
II Context Map
III Project Profile
IV HPRB Staff Report
V District Agency Comments



Feature Key

- Zoning Boundaries
- Square Index

Ortho-Photography was taken in 1999.

Board of Zoning Adjustment

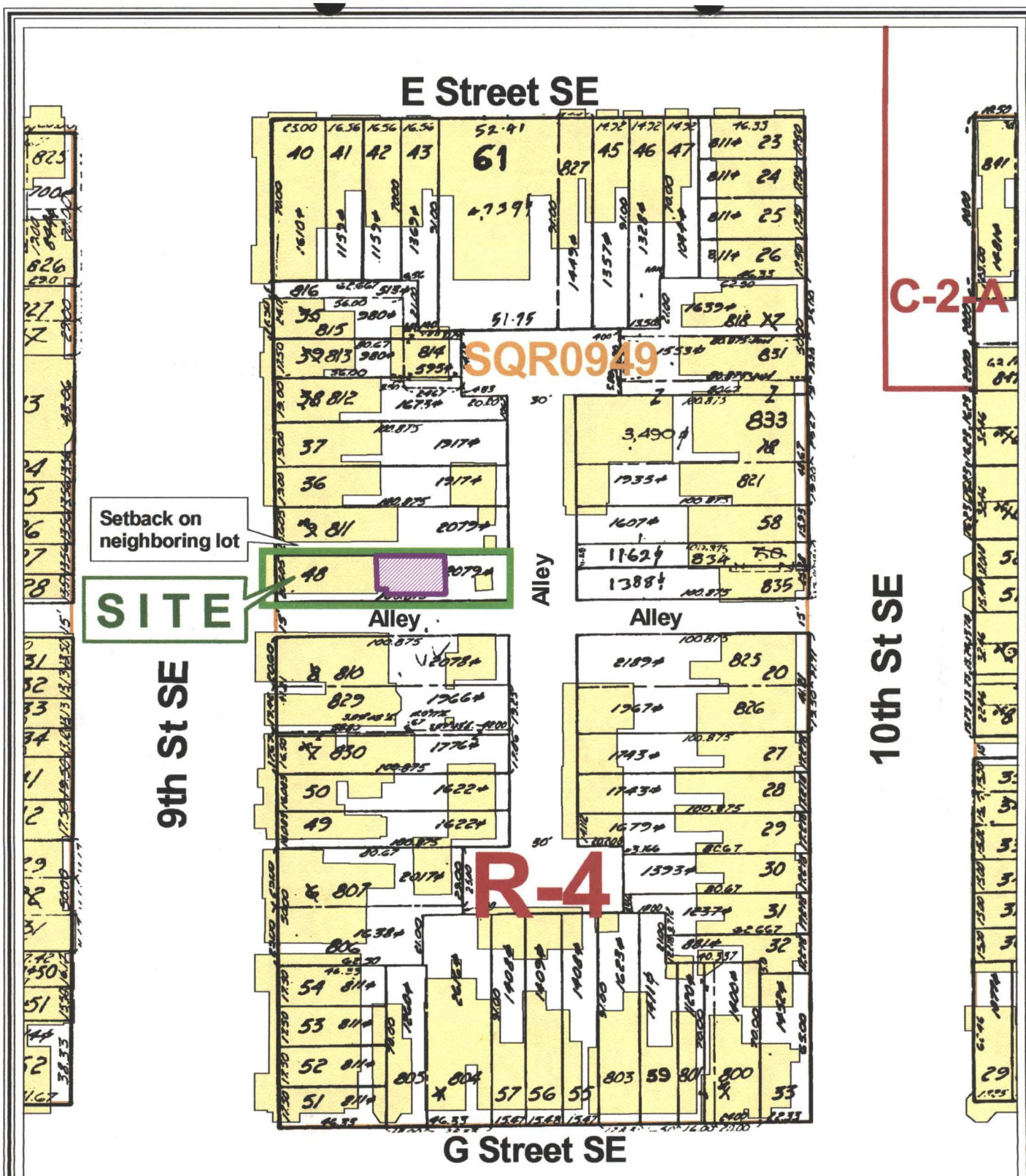
Application No. # 17042 - 518 9th Street SE

DC Office of Planning
June 23, 2003

N

25 0 25 50 75 100 Feet

Attachment 1



Feature Key

- Zoning Boundaries
- Square Index
- Approximate location of proposed addition

Ortho-Photography was taken in 1999.

Board of Zoning Adjustment

Application No. # 17042 - 518 9th Street SE

DC Office of Planning
June 23, 2003

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Attachment II

Standard	R-4 Zone Regulations	Existing [1]	Proposed [1]	Variance
Height: (§400)	40 ft. max.	20.5 feet	28.5 feet	conforming
Stories: (§400)	3 max.	1	2	conforming
Lot Size: (§401)	3,000 sq.ft. min.	2,078.5 sq.ft.	2,078.5 sq.ft.	existing condition
Lot Width (§401):	30 ft. min.	20.6 feet	20.6 feet	existing condition
Floor Area Ratio: (§402)	n/a[2]	945 sq.ft.	1,517 sq.ft.	not applicable
Lot Occupancy: (§403)	40% max = 831.4 sq.ft.[3]	49% (1,018 sq.ft.)	56.1% (1,166 sq.ft)	**16.1 % (327 sq.ft.)**
Rear Yard: (§404)	20 ft min.	36.6 feet	27.5 feet	conforming
Side Yard: (§405.8)	5 feet min.	4.6 feet	4.6 feet	**0.4 feet**
Court Niche: (§§406.2, 406.3)	width/depth ratio of 2 / 1 min.; 3' wide min.	none	2 / 1 4' wide	conforming
Parking: (§2101.1)	1	0[4]	0	existing condition

1 Information provided by applicant.
2 This zone does not establish a maximum FAR.
3 §223.3 permits 70% lot occupancy for a semi-detached dwelling by special exception.
4 Existing condition – the rear yard is large enough to provide 2 parking spaces.

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**518 9th Street, SE**	**X**	Agenda
Landmark/District:	**Capitol Hill Historic District**		Consent Calendar
		X	Concept Review
Meeting Date:	**April 24, 2003**	**X**	Alteration
H.P.A. Number:	**03-297**		New Construction
Staff Reviewer:	**Emily Paulus**		Demolition
			Subdivision

The applicant, architect Frederick Taylor for the owner, seeks conceptual design review for an addition to the rear of a mid-nineteenth century frame dwelling in the Capitol Hill Historic District. The addition would be partially visible from public space.

The house is one of only two frame shotgun-type houses known to exist in the Capitol Hill Historic District. The shotgun house is an important open plan house type closely associated with African-American settlements in the southernmost landscapes of the Mid-Atlantic region. Its basic characteristics include a gable front and a plan that is one room wide and one to three rooms or more in length. Although many, like its counterpart at 1229 E Street, SE, exhibit strikingly plain elevations, the shotgun house at 518 9th Street, SE displays Italianate influences. Though deed research has not been conducted, both historic maps and visual inspection suggests that the house was constructed sometime in the late 1850s or 1860s.

The proposal calls for removing an existing, non-contributing, one-story addition and replacing it with a two-story addition. A one-story, flat-roof hyphen extends 3 feet in length between the main house and the addition, establishing a reveal and providing breathing space between the main house and the new addition. The addition would be situated perpendicular to the house with a side-gable roof. The walls would be clad in fiber cement siding and fenestration would include two-over-two windows flanked by louvered shutters. Detailing includes exposed rafter ends and molded wood lintels and sills.

The proposed addition has been developed in a manner that is sympathetic to and compatible with the character and size of the shotgun house, the property's site, the streetscape along 9th Street, and the historic district in general. While large in footprint and slightly taller than the shotgun house, the small hyphen aids in establishing both a functional and visual break between the old and the new while the perpendicular roof orientation allows the long, narrow form of the original structure — the character-defining feature of the shotgun-type house — to remain both readable and primary. The addition is consistent in its use of materials and detailing with the character of the house and the surrounding residential neighborhood. The one major aspect of the plans which may not be fully resolved is the overall height of the addition. While a portion of the

addition would be visible from several vantage points along 9th Street, staff is concerned that its height may overwhelm the modest one-story house and result in the addition appearing paramount to the original house. The architect should be encouraged to continue to explore ways to lower the height of the addition.

The project does exceed the maximum allowable lot coverage (40%) for a semi-detached dwelling and will require a zoning variance. However, the proposed lot coverage (approx. 54.19%) is not inconsistent with adjoining properties and maintains roughly the same size as other properties on this block.

The staff recommends that the Review Board approve the conceptual design as consistent with the purposes of the preservation act, with direction to the applicant to study the overall height of the addition; however, this approval should not be construed to constitute an endorsement for the necessary zoning variances or zoning relief.

ATTACHMENT I

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Joel Lawson
Development Review Specialist
Office of Planning

THROUGH: Lawrence C. Cager, Jr.
Deputy Director for Development Finance

FROM: James Thackaberry
Supervisory Project Manager

DATE: JUL -1 2003

SUBJECT: Board of Zoning Adjustment (BZA) Application No. 17042 – 518 9th Street SE; Square 949, Lot 48, Ward 6

As requested in an Office of Planning memorandum of June 12, 2003, the Department of Housing and Community Development (DHCD) has reviewed the above referenced BZA Application, supports approval of all the two requested variances, and offers the following reasons in support based upon the specific information presented in the application:

1. The existing rowhouse on the property is a one-story wood frame building in a neighborhood of two-story brick rowhouses. The rowhouse currently has less useable interior area than its two-story brick rowhouse neighbors.
2. The proposed side yard setback for the two-story addition is the same as that for the existing frame rowhouse.
3. The side yard setback is directly adjacent to an alley and therefore takes advantage of the alley open space to avoid appearing so narrow.
4. The proposed two-story addition will give the one-story rowhouse approximately the same amount of interior space that its two-story rowhouse neighbors have.
5. The proposed two-story addition replicates and extends wood frame character of the existing one-story rowhouse.
6. Even with the proposed addition, the property will have a rear yard 7 feet deeper than the required 20 foot minimum rear yard.

MEMORANDUM

July 2, 2003

TO: Joel Lawson, Development Review Specialist
Office of Planning

FROM: James J. Shabelski, Supervisor
Water and Sewer Design Section, DC WASA

SUBJECT: **BZA Application No. 17042-** 518 9th Street, SE
Square 949; Lot 48, Ward 6

The District of Columbia Water and Sewer Authority (DC WASA) has reviewed the information for the above referenced project. Before the consultants initiate a building design, DC WASA will have to carefully review the hydraulic loading that will be placed on the storm and sanitary sewers from each new building. Therefore, DC WASA will require the following:

- If the applicant intends to use existing water and sewer connections, these connections must be inspected to determine if they meet the current DC WASA standards.
- Proposed locations of the storm/sanitary sewers, and water lines connection.
- Future average and maximum daily water demand.
- Future average and maximum daily wastewater discharge from the new buildings.
- Water flow requirements for fire protection will be needed to evaluate impact of the new development on the water system.
- Erosion and sediment control plan approval from DOH.
- All new water and sewer facilities designed for public space must meet the DC WASA design criteria and specifications. At the appropriate time, the design consultant shall request a pre-design meeting with DC WASA to facilitate the permitting process for the proposed development.

If you have any question, please feel free to call me on (202) 787-2379 or please send an e-mail to jshabels@dcwasa.com.

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

MEMORANDUM

TO: Joel Lawson
Development Review Specialist
Office of Planning

FROM: Richard Fleming
Acting Battalion Fire Chief

DATE: July 2, 2003

SUBJECT: BZA Application No. 17042

The D.C. Fire and EMS Department has reviewed the above application.

The requested two-story addition to the rear of the house will allow access to three sides from the street and public alleys. Therefore, we have no objection to this request.

If you have any questions review, please contact my office at 727-3659.