GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: November 10, 2003

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 17072
Walters and Pajak
623 Constitution Avenue, NE
Square 867 Lot 825

SUMMARY

Maurice Walters and Mary Jean Pajak, the owners of the subject property seek approval, pursuant to 11 DCMR § 3104.1, of a special exception to allow an addition to a single-family dwelling under section 223, not meeting the minimum lot occupancy requirements (section 403) and side yard requirements (section 405) in the R-4 District at premises 623 Constitution Avenue, NE (Square 867, Lot 825).

Recommendation:

The Office of Planning recommends approval of this application based on the following findings:

- The proposed addition will not negatively impact the light and air of neighboring properties.
- The proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.
- The proposed addition will not tend to affect adversely the use of neighboring property.

BZA
Case No. 17072
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17072
EXHIBIT NO. 27

Background

The subject property, at 623 Constitution Avenue, NE (Square 867, Lot 825), is located in the R-4 Zone District and the Capitol Hill Historic District. The site is currently occupied by an existing two-story single-family semi-detached dwelling and detached two-story garage. The brick structure was built sometime in the 1890s and the accessory two-story structure was built in 1972 with a height variance granted by Case No. 10621. The second floor of the garage provides a recreation room. The garage has access from an existing 30-foot alley. The dwelling is set back 24 feet from the front property line and has an existing 4.2-foot side yard; both conditions are unique for this block.

The lot to the east is occupied by a 3-story, 18-unit condominium. A portion of the condo building on this lot shares a common wall with the subject dwelling, then provides a narrow closed court, and finally shares a common wall with the detached garage at the rear of the subject property. To the west is a rowhouse with a detached garage that shares a common wall with the detached garage on the subject lot. To the rear of the property the detached garage fronts on a 30-foot wide public alley.

A mix of single-family rowhouses and small multi-family apartment conversions characterizes the area (see Attachment 1). The property lies in the Capitol Hill Historic District and the project has received conceptual approval from the Historic Preservation Review Board (see Attachment 4).

Project Description

The applicant proposes to construct an 18-foot deep, two-story addition to the rear of the existing structure. The masonry addition will include a 2'-4" projecting bay on both floors. The addition would maintain the existing non-conforming side yard. The lot occupancy would be increased from 46% to 60%. The 547 square-foot addition will provide room for a separate living and dining area on the first floor and an additional bedroom on the second floor. The roof of the addition will support a roof deck and a "green roofing" system. Three small windows and a door will be added to the side elevation.

Comprehensive Plan

The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. Comprehensive Plan Section 1104.1(h) outlines a policy to "encourage the maintenance of existing housing stock and, where appropriate, the rehabilitation and new construction of detached and row housing." The property is identified as moderate density residential on the General Land Use map, which includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing (See Attachment 2).

Zoning

An addition to a one-family dwelling that does not comply with all of the requirements of §§401, 403, 404, 405, 406 or 2001.3 shall be permitted if approved by the Board of Zoning Adjustment, subject to the provisions of §223. The existing dwelling has a non-conforming 4.2-foot side yard (minimum of 8 feet required in R-4). The existing lot occupancy of 46% exceeds the current R-4 requirement of 40% for a one family semi-detached dwelling. The lot is 18 feet wide and 136.3 feet deep with an area of 2,453 square feet. The minimum lot width for a lot with a semi-detached dwelling in the R-4 zone is 30 feet and the minimum lot area is 3,000 square feet.

The proposed addition will not comply with the matter-of-right lot occupancy requirements of §403, which permits a lot occupancy of only 40% (60% proposed). Also, the existing detached garage does not comply with the accessory structure requirements of §2500.4, but was granted a variance by BZA Case No. 10621. Section 223 requires that the non-complying addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property; in particular:

The light and air available to neighboring properties shall not be unduly affected;
Based on analysis by the Office of Planning the amount of light and air available to neighboring properties will not be unduly affected by the proposed addition. The small addition will not significantly increase the bulk and height of the structure or its impact on neighboring properties. Preservation of the small side yard reduces the impact on the lot to the west. The existing semi-detached structure shares a common division wall with the apartment building to the east. This zero setback along the east property line will be extended by the small two-story addition. Although the innermost lower window may have increased shadows, the apartment building to the east should not be unduly affected, as the existing closed court will continue to provide light and air. In addition, courtyard windows on the first, second and third floor of the apartment building are along a corridor that contains the entrance doors to the units; therefore, no living space on these floors is impacted by the development.

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised
The addition will only have small windows on the west wall, but they will be at a height that does not impact the privacy of the adjoining property. No windows are proposed on the east wall. Therefore, the privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

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;

The proposed addition will extend back from the street in line with the existing structure, so it will not visually intrude upon the character scale and pattern of houses along the street frontage. Additionally, it will be constructed of materials and style compatible with the existing structure and the historic area. The report of the Historic Preservation Office is provided as Attachment 4. The Historic Preservation Review Board approved the project in concept with final approval delegated to staff.

Given the above the special exception 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.

Community Comments

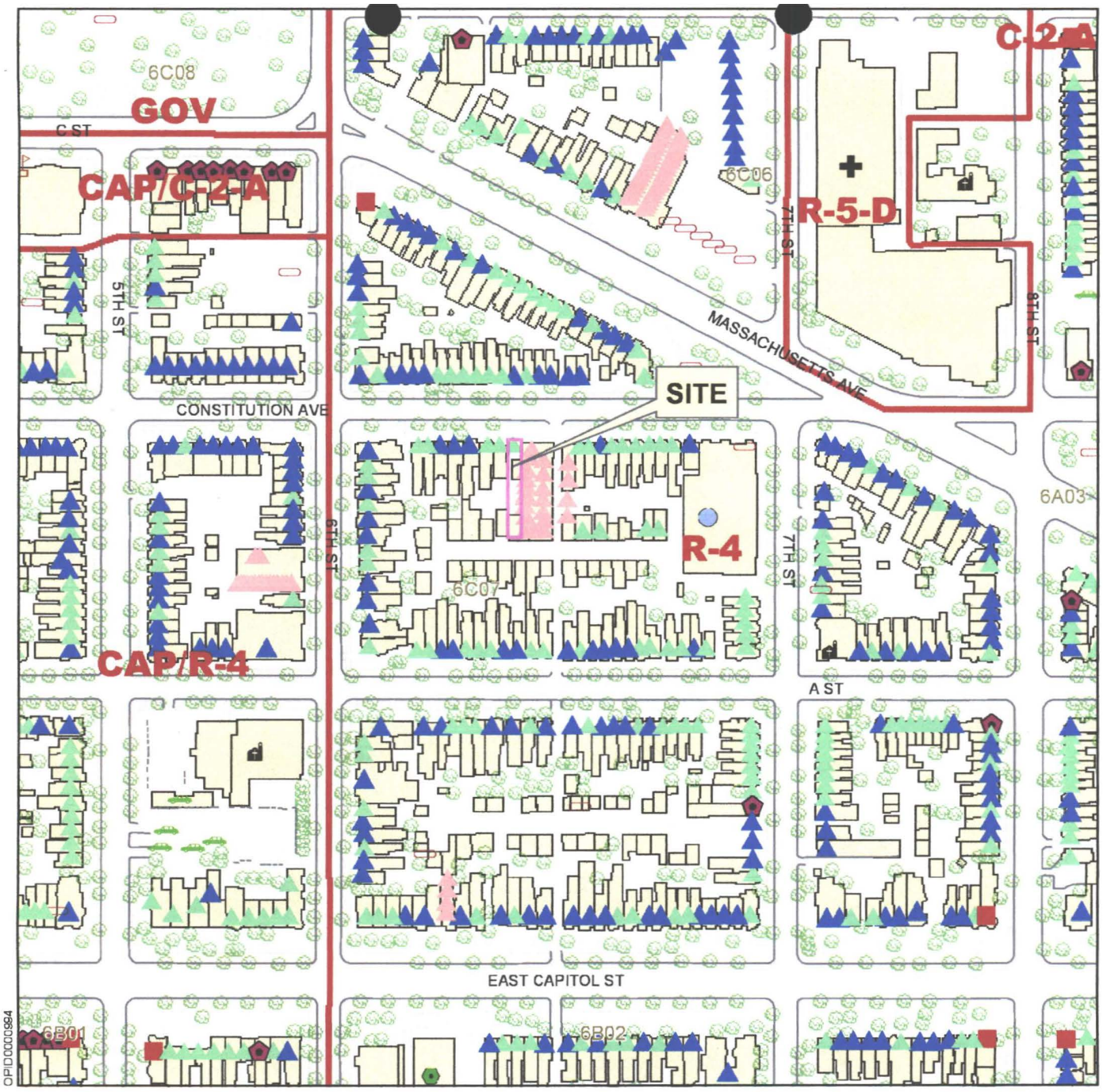
ANC 6C has recommended approval of the application.

Recommendation

The Office of Planning recommends approval of BZA application 17072 requesting a special exception pursuant to §223.1 to allow establishment of non-conformity of percentage of lot occupancy and side yard requirements of §§403 and 404 respectively.

ATTACHMENTS:

1. Zoning and Land Use Map
2. Comprehensive Plan
3. Aerial Photo
4. Historic Preservation Report



Zoning and Land Use
BZA Application #17072

N

Feet

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Anthony A. Williams, Mayor

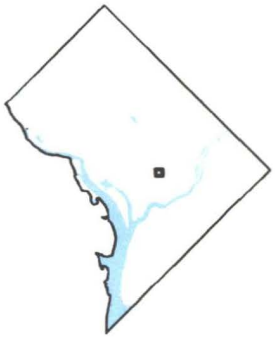
Office of Planning ~ November 10, 2003

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

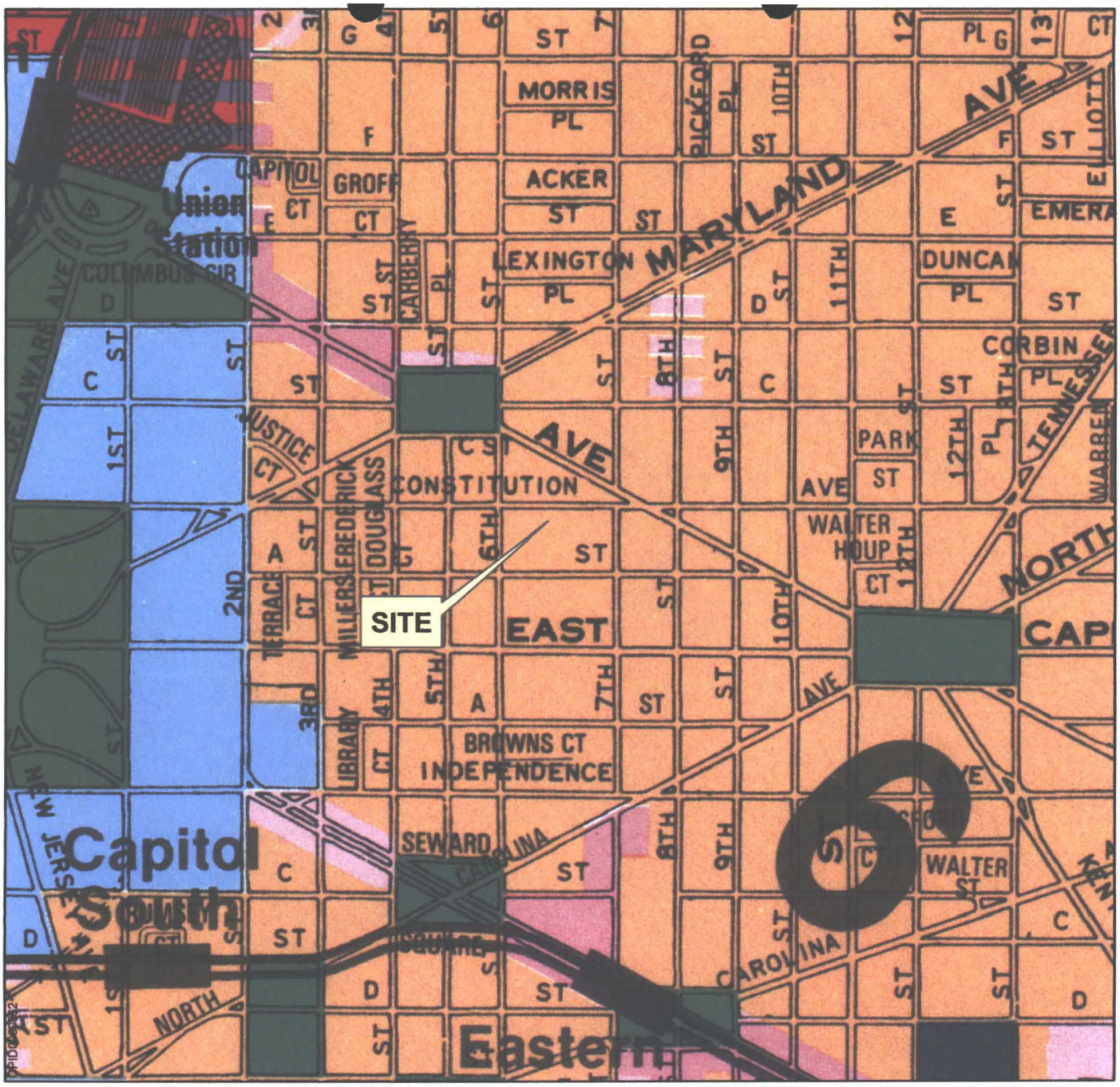
Note: Land Use Info based on OTR records.

Land Use Legend

- Single Family Dwelling/Flat
- Res. Condo
- Multi-family Dwelling
- Retail
- Office
- Parking Garage/Lot
- Warehouse
- Religious
- Medical
- Educational
- Special Purpose
- Vacant



Attachment 1



N

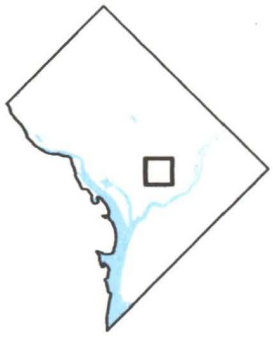
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Comprehensive Plan Map
BZA Application #17072

Generalized Land Use Key

Residential Low Density	Commercial Low Density	Federal
Residential Moderate Density	Commercial Moderate Density	Institutional
Residential Medium Density	Commercial Medium Density	Local Public
Residential High Density	Commercial Med.-high Density	Parks, Recreation and Open Space
Water	Commercial High Density	Production and Technical Employment



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Attachment 2



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Feet

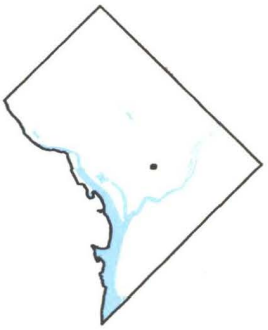
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Aerial Photo
BZA Application #17072

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Attachment 3

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**623 Constitution Avenue, NE**		Agenda
Landmark/District:	**Capitol Hill Historic District**	X	Consent Calendar
		X	Concept Review
Meeting Date:	**June 26, 2003**	X	Alteration
H.P.A. Number:	**03-389**		New Construction
Staff Reviewer:	**Emily Paulus**		Demolition
			Subdivision

Applicant and architect Maurice Walters seeks conceptual design review for front façade alterations and the construction of an addition on the rear of a house in the Capitol Hill Historic District. A small portion of the addition may perhaps be glimpsed through the existing open side court.

The house is a two-story, semi-detached brick house constructed sometime in the 1890s. The property has a front yard setback of approximately 24 feet – an unusual feature within the Capitol Hill Historic District. The proposal calls for a two-story brick addition that would extend approximately 18 feet in length. The rear elevation would feature a two-story projecting bay that would be clad in fiber-cement and topped by a copper hip roof. The first floor would include a bank of French doors while the second floor would be composed of three double-hung windows. An enclosed green roofing system would sit atop the addition, accessed by an exterior metal spiral stair at the second floor located within a niche on the west elevation. On the front façade, the applicant is proposing to remove the existing windows and install appropriate replacements within the original openings (the ghosting of which are visible). Finally, a transom would be inserted above the door and the door hood replaced.

Conceptually, the proposed design is consistent with the character of the historic district in its overall form, fenestration, and general materials use. The roof top addition would be set back sufficiently so as to not be visible from Constitution Avenue. The front façade alterations in particular will be a significant improvement and aid in restoring the building's original appearance from the street. The selection of the replacement door hood should be coordinated with the staff, and should not be overly hefty or detailed for this simple house.

The addition does exceed the minimum allowable side yard setback (6 feet) and will require a zoning variance. However, the proposed setback of approximately 4 feet allows the addition to retain the same setback as the main block and the resulting side court condition is not inconsistent with that of other historic semi-detached properties within the Capitol Hill Historic District.

The staff recommends that the Review Board approve the overall concept as consistent with the purposes of the preservation act and delegate final approval to staff; however, this approval should not be construed to constitute an endorsement for the necessary zoning variances or zoning relief.

HPRB Action: staff report adopted.