GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE November 20, 2003

SUBJECT: BZA Application **17091**
1016 Massachusetts Avenue, N.E. – Echeverria Addition

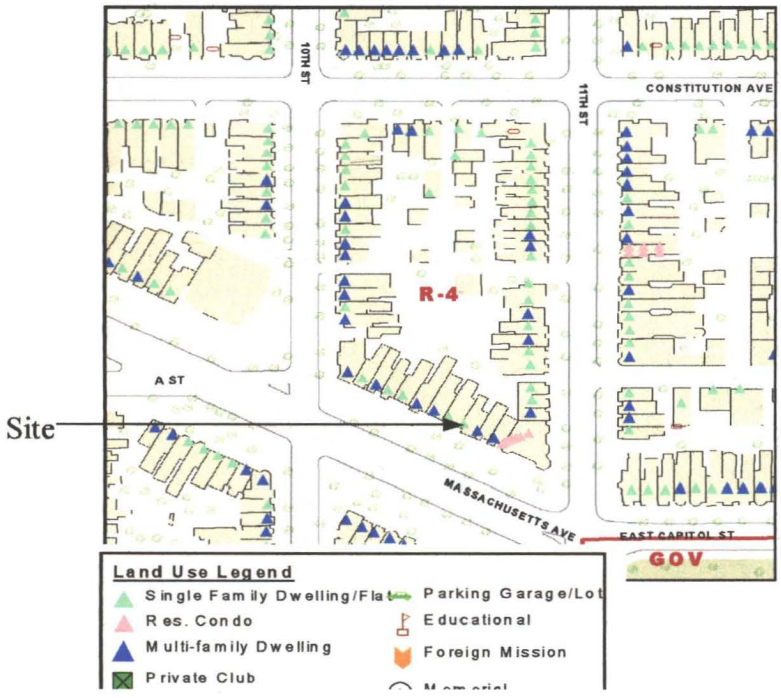
APPLICATION

An application of John Echeverria, pursuant to 11 DCMR 3104.1 for a special exception to construct an addition to a one-family row dwelling under §223 in the R-4 Zone District at 1016 Massachusetts Avenue, N.E. (Square 965, Lot 41).

SUMMARY RECOMMENDATION

The Office of Planning **recommends approval** of the special exception pursuant to 11 DCMR 3104.1 and in accordance with the provisions of §223.

SITE AND AREA DESCRIPTION



Site

The subject property is located in Square 965. The Square is bounded by 10th Street to the west, Massachusetts Avenue to the south, 11th Street to the east, and Constitution Avenue to the north. The site is currently developed with a three-story single-family row dwelling. The immediate area surrounding the subject property can be characterized as well maintained row structures in the Capitol Hill Historic District along the Massachusetts Avenue corridor between 10th and 11th Streets, N.E. The area is zoned R-4.

BZA
Case No. 17091
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 17091
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elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.

OP received and reviewed photographs and drawings that represent the relationship of the proposed addition to the adjacent properties.

COMMUNITY COMMENTS

The applicant presented the proposal to the neighborhood's ANC 6A and received unanimous approval. OP has no record of the approval at this time.

HISTORIC PRESERVATION

The property is located in the Capitol Hill Historic District. The Office of Planning's Historic Preservation Office (HPO) determined that the application does not meet Historic Preservation Review Board review, but will require the HPO's signature if BZA approval is granted. The structure is not an individual landmark.

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 bathroom addition to extend to a portion of the deck area on the third floor at the rear of the property.

the residence at #1014 Massachusetts Avenue. However, the addition extends approximately two (2) feet beyond the rear wall to the east at #1018 Massachusetts Avenue. There are no windows on either party walls, therefore light and air to residences on both sides would not be affected by the proposed extension of the applicant's rear (bathroom) wall.

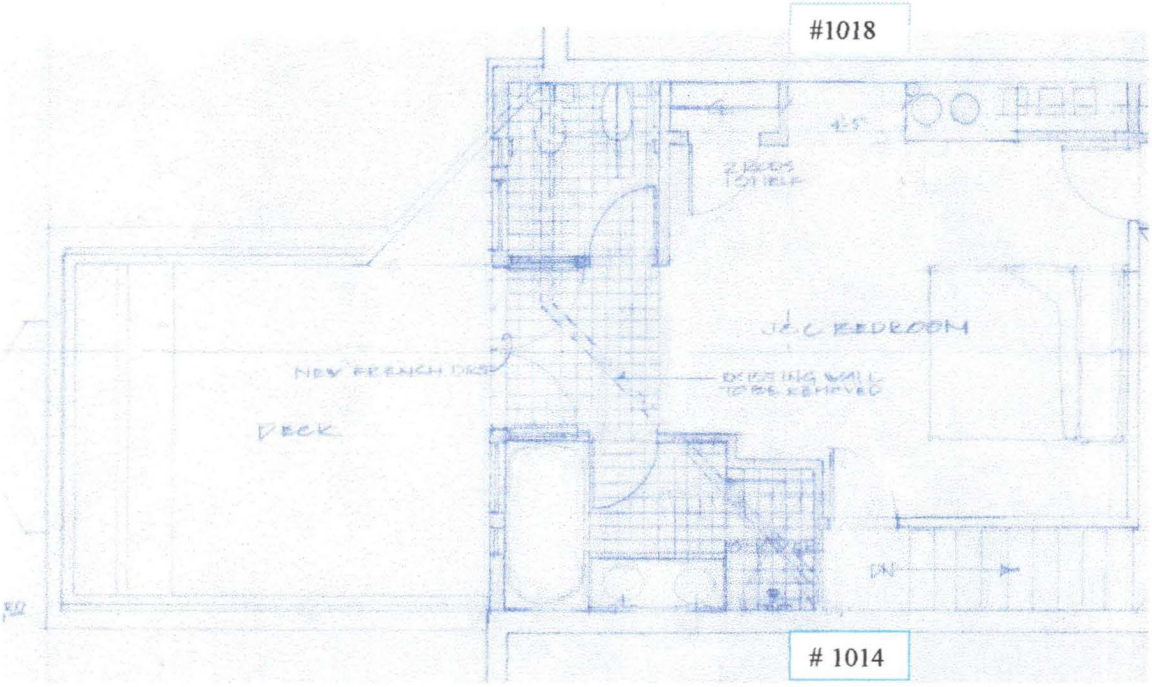


Figure 1- Proposed 3rd Floor Addition

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

The property is well screened from the alley by walls and wooden fencing to 100% opacity. Currently, the fence around the deck area maintains the privacy of neighbors on either side of the subject property. The fence is not proposed for removal and it will continue to enclose the remaining deck. OP concurs with the applicant's position that the neighbors' privacy would not be compromised because the proposed addition will not be visible from adjacent properties.

(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.*

The proposed addition faces the rear of the property, which abuts a dead end alley. This is not visible along the street frontage at Massachusetts Avenue, nor is the proposal out of scale or character for rear additions in the immediate neighborhood.

(d) *In demonstrating compliance with (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or*

PROJECT DESCRIPTION

The applicant is proposing to construct a bathroom addition on the third floor, which would extend to a portion of the existing deck area at the rear of the building. A six-foot privacy fence encloses the open-air deck area. The deck expands the area of the residence from 810.6 square feet to 880.85 square feet, thereby increasing the lot occupancy beyond the 60% requirement per §223 to 65.2%. The lot is an irregularly shaped lot, not meeting the minimum lot area requirements for the R-4 Zone District. The residential structure, which is non-conforming due to its size, is devoted to a conforming use for which restrictions are prescribed in §2001.3.

ZONING REQUIREMENTS and ANALYSIS

Special Exception Relief

The applicant is requesting special exception relief according to the provisions of §223, since the addition does not comply with the lot occupancy requirement of §403, and §2001.3. §223.2 stipulates that the lot occupancy of the dwelling not exceed 70% in the R-4 District. The area requirements for the R-4 Zone District are outlined in the table below as it relates to the subject property:

Section	Item	Restriction	Provided	Deviation
401	Lot Area	1800 square feet (minimum)	1351 square feet	0
403	**Lot Occupancy**	810.6 square feet **(60%)**	880.85 square feet **(65.2%)**	70.25 square feet **(5.2%)**
404	Rear Yard	20 feet	25 feet	0
405	Side Yard	N/A	N/A	0

Table 1

Section 223 permits special exception relief to lot occupancy requirements of Section 403 and the related limitations of Section 2001.3.

OP believes the bathroom is in keeping with the conformity of use of the residential structure, and notes that it will not increase any non-conforming aspect of the structure. In addition, there is no change to the lot occupancy due to the proposed addition, which will remain under the maximum 70% limit, prescribed by §223 for the R-4 Zone District.

The proposed bathroom addition to a portion of the deck area must satisfy the standards identified in §223 as follows:

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

The third floor of the existing structure consists of one bedroom with a private deck area enclosed by a privacy fence. The proposed third floor bathroom will eventually occupy a portion of the deck area, resulting in the proposed rear wall aligned with the rear wall of