GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: March 2, 2004

SUBJECT: BZA Application 17120 - Request filed by Christian Zapatka Design LLC for **two area variances** to increase the maximum lot occupancy and reduce the minimum rear yard for a single-family row dwelling, proposed by Alexander Neill for 1029 Cecil Place, N.W.

APPLICATION
Application of Alexander Neill for:

1. **Variance relief to § 992.1 of 11 DCMR** to permit an increase in the maximum lot occupancy from 80 percent to 100 percent; and
2. **Variance relief to § 993.2 of 11 DCMR** to permit a decrease in the minimum rear yard from 12 feet to 0 feet

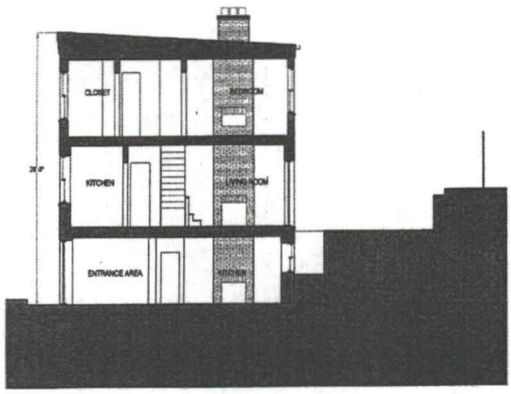
for building additions onto the rear of an existing row house on the east side of Cecil Place, N.W., between Cherry Hill Lane and the Whitehurst Freeway, Square 1188, Lot 90. The property is zoned W-1, low density waterfront district.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for variances to increase the lot occupancy to 100 percent and reduce the rear yard to 0 feet, provided that the proposed building additions are in conformance with the recommendations of The Commission of Fine Arts.

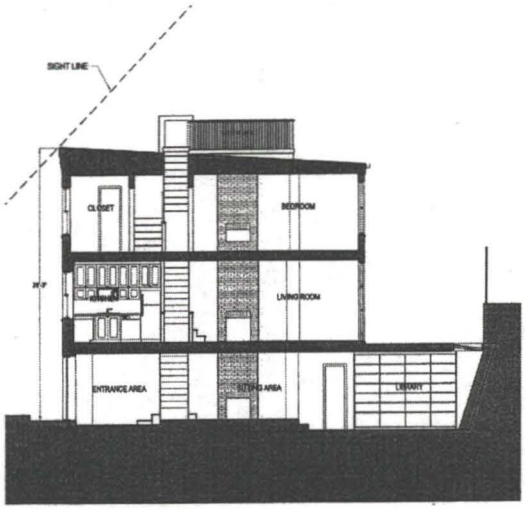
PROJECT DESCRIPTION
The application proposes a building addition onto the rear of an existing row house and the addition of a roof deck. The building addition will expand each of the three levels within the dwelling. The ground level, accessible from Cecil Place at the front of the structure, is to be expanded to the rear lot line. However, due to topographical changes between the front and the rear of the property, the building addition on the ground floor will be completely below grade, with skylights at the rear to provide light. Therefore, it will not be visible from the exterior.

BZA
Case No. 17120
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17120
EXHIBIT NO. 22



1 EXISTING BUILDING SECTION



1 PROPOSED BUILDING SECTION

NEILL/SPEER HOUSE Renovation/Addition
Cecil Place NW
Washington, DC 20007

CHRISTIAN ZAPATKA DESIGN, LLC
1427 27TH STREET NW WASHINGTON DC 20007 202 333 2735

AUGUST 4, 2003 A-10

Existing Building Section Proposed Building Section

The building additions on the second and third floors expand the building to a lesser extent, and will be set back 13'-6.5" from the rear lot line, providing the appearance of a 13'-6.5" deep rear yard. A terrace will be provided over the underground addition, in place of the existing patio.

As a result of the expansion of the ground floor to the rear lot line, the lot occupancy is increased to 100 percent and the rear yard is reduced to zero.

The variances are necessary for the rear building addition only. No variances are required for the roof deck..

SITE AND AREA DESCRIPTION

The subject property is an alley lot that is rectangular in shape on the east side of Cecil Place. The lot is 12.25 feet wide and 45.20 feet deep, with a total of 553.7 square feet in area. It is improved with a three-story brick row house that was constructed in 1900. No rear alley access is available and no on-site parking is provided.

North and south of the subject property are row houses within the W-1 Zone District. To the west, across Cecil Place, are condominium apartment buildings within the W-2 Zone District. To the east, within the W-1 Zone District, is a condominium apartment building.

The area has been identified on the Generalized Land Use Map as being located within "mixed use" land use category, consisting of the "medium density residential" and "moderate density commercial" land use categories. The mixed use land use category is described as *"[a] combination of land use categories are depicted in areas where a variety of uses are to be encouraged. Mixed use areas include existing commercial areas and areas proposed for significant land use changes."*

Medium Density Residential Land Use: "*Multiple-unit housing and mid-rise apartment buildings are the predominant uses; may also include low and moderate density housing.*"

Moderate Density Commercial Land Use: "*Shopping and service areas that generally provide a much broader range of goods and services are the predominate uses. Chain drug stores and grocery stores as well as branches of department stores, some specially shops, and personal service establishments may be present.*"

EXISTING ZONING
The subject property is located within the W-1 Waterfront Zone District, low density mixed uses.

General Provisions: Waterfront Districts
"The purpose of the Waterfront Districts is to encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreational, and other miscellaneous uses." (§ 900.4)

RELIEF REQUESTED:
Section 3103- Variances, empowers the Board of Zoning Adjustment to grant variances subject to the following:

> *"[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map."* (§3103.2)

Variance pursuant to § 932.1 Percentage of Lot Occupancy
Section 932.1 sets forth the maximum lot occupancy permitted within the W-1 Zone District as 80 percent. The subject application proposes to increase the lot occupancy to 100 percent. This lot occupancy will not be visible from outside of the dwelling, with the exception of the skylights proposed at the rear of the lot. The roof of this part of the proposed addition, with the exception of the skylights, will be improved as a terrace, replacing the existing at-grade patio at the same

location. The subject property will appear to have a lot occupancy of 70 percent, less than the maximum permitted.

Variance pursuant to § 933.2 Rear Yards
Section 933.2 requires a minimum rear yard of 12 feet. The subject application proposes a rear yard of zero as a result of the underground portion of the building addition. The proposed building additions to the second and third floors, the building additions that will be visible from the exterior of the structure, will be in conformance with the minimum rear yard requirement, and the appearance of the minimum rear yard will be provided.

	Existing	Permitted/ Required	Actual Proposed	Apparent Proposed
FAR	1.65 (915 sf)	2.50 (1,385 sf)	2.53 (1,401 sf)	2.10 (1,161 sf)
Lot Occupancy	55% (305 sf)	80% (443.2 sf)	100% (553.7 sf)	70% (387 sf)
Rear Yard	20 feet, 3 inches	12 feet	0	13 feet, 6.5 inches

Uniqueness of Property
The subject property is unique by reason of exceptional topographic conditions. As viewed from the front the dwelling is 3-stories in height, with pedestrian access directly into the lowest level. However, this same level at the rear of the dwelling is completely underground, and it is only possible to exit the dwelling into the rear yard from the second story, one flight up. Therefore, the lowest level or first floor is a basement at the rear of the house.

The applicant proposes to extend the "basement" to the rear lot line, completely underground. However, because this "basement" is not below grade at the front of the structure, it is not considered to be a basement by the Zoning Administrator, and the construction of the proposed underground addition must be in conformance with the minimum required rear yard and the maximum permitted lot occupancy. Therefore, if the lowest level were a basement at the front of the property, variances would not be required for either lot occupancy or rear yard for the extension of the structure underground to the rear lot line.

The building additions for the second and third floors are proposed to be set back 13 feet, 6.5 inches from the rear lot line, providing a rear yard in excess of the minimum required 12 feet. The lot occupancy of the building, not including the proposed underground room, is 70 percent, less than the maximum 80 percent permitted within the W-1 Zone District.

Practical Difficulty
The minimum 12-foot rear yard and the maximum 80 percent lot occupancy requirements do not apply to basements. What is a basement at the rear of the property is at-grade at the front due to the topography of the site. As such, the expansion of the lowest level of the subject dwelling, which if below grade all the way around would not require either a variance to minimum rear yard or maximum lot occupancy, must conform to these two zoning provisions as if it were an above-grade structure, which it is not. Therefore, the practical difficulty is that the applicant cannot

expand the below-grade portion of existing dwelling without conforming to the strict zoning regulations that control above ground structures.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for variance relief to §§ 932.1 and 933.2, and "that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." (§ 3103.2)

COMPREHENSIVE PLAN
This proposal will contribute towards achieving the following objectives of the Ward 2 Plan:

> *"To conserve and enhance existing residential neighborhoods in Ward 2"* (§ 1326.1(a))
>
> *"Maintain and enhance older established residential neighborhoods and areas, including...Georgetown..."* (§1327.1(a)(1))

COMMUNITY COMMENTS
ANC 2E, at its regularly scheduled meeting on February 3, 2004, passed the following motion by a vote of six to zero: "*ANC 2E has no objection to the request as presented for the variances of lot occupancy requirements and rear yard requirements to allow for a rear addition at 1029 Cecil Place.*"

AGENCY COMMENTS
The Commission of Fine Arts, in a transmittal dated May 15, 2003, had *"[n]o objection to concept design for proposed 2-story rear addition, underground extension at rear yard, and roof deck with limited visibility from public thoroughfare, PROVIDED width of existing masonry openings is retained."*

RECOMMENDATIONS
The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief, and concludes that the variances can be granted by the Board "*without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.*" (§ 3103.2) Therefore the Office of Planning recommends that the application be granted, subject to the following condition:

> That the proposed building additions be in conformance with the recommendations of The Commission of Fine Arts.

AA/sjm$_{AICP}$



BZA APPLICATION NO. 17120

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Feet

0 25 50

Trees

Roads

Alleys and Parking

Zoning Districts

Buildings

Single Family Dwelling

Res. Condo

Retail Store

★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ February 17, 2004

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